



**Fw: Paso Robles Groundwater Crisis**

**Cytasha Campa** to: BOS\_Legislative Assistants Only,  
cr\_board\_clerk Clerk Recorder

08/26/2013 08:11 AM

Kindest regards,

**Cytasha Campa**

Board Secretary

Board of Supervisors

San Luis Obispo County

805-781-4335

----- Forwarded by Cytasha Campa/BOS/COSLO on 08/26/2013 08:11 AM -----

From: Jennifer Toscano <jennifertosca@gmail.com>  
To: darnold@co.slo.ca.us, fmecham@co.slo.ca.us, ahill@co.slo.ca.us, bgibson@co.slo.ca.us,  
ccampa@co.slo.ca.us  
Date: 08/26/2013 02:33 AM  
Subject: Re: Paso Robles Groundwater Crisis

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On 8-26-2013, at 10:30 PM, Jennifer Toscano wrote:

> Dear Supervisors Arnold, Mecham, Hill & Gibson,  
>  
> We are writing to express our extreme concern about our dwindling water supply in rural east Paso Robles.  
>  
> We have lived on Ground Squirrel Hollow 16 years this month. In the past few months our neighbor on the right side of us had to dig a new well, our neighbors to the left AND directly  
> behind us had to drop their well pumps several hundred feet due to the ever decreasing groundwater level.  
> Obviously.....we are next!  
>  
> Seeing neighbors we know and love in this kind of crisis is very sobering, if not depressing. Many people are talking about "leaving" their homes as they can't afford 35,000 for a new well.  
>  
> This situation has been allowed to spiral out of control. Now, we are in a full blown crisis and we are looking to the local politicians we elected to do the right thing.  
>  
> Our weather patterns have remained relatively unchanged the past 50 years, with extremes in both wet weather and drought. It's obvious that the "Red" areas in Paso Robles have been over developed  
> with 67% of the water being used by vineyards.  
>  
> WATER is a necessity, Wine is a luxury. Please ....don't allow more farming/vineyards in these areas until we reach a viable water solution!

>  
> Will you continue to sacrifice the residents of rural Paso for wine grapes?  
We have always supported our local wineries...but we are talking basic needs  
here.  
>  
> Are we destined to become a ghost town of what was once a wonderful,  
thriving rural community? A modern day version of "The Grapes Of Wrath?"  
>  
> We implore you to vote yes on the emergency measure that would place a  
temporary moratorium on new Ag farming/ wine grapes in these critical areas.  
>  
>  
>  
Sincerely  
>  
>  
>  
Manuel & Jennifer Toscano  
>  
>  
>  
>  
>  
>



**Fw: RE item #13 Urgency Ordinances for the Paso Robles Groundwater Basin**

**Cytasha Campa** to: BOS\_Legislative Assistants Only,  
cr\_board\_clerk Clerk Recorder

08/26/2013 08:11 AM

Kindest regards,

**Cytasha Campa**

Board Secretary

Board of Supervisors

San Luis Obispo County

805-781-4335

----- Forwarded by Cytasha Campa/BOS/COSLO on 08/26/2013 08:11 AM -----

From: Carol Rowland <crowland@wildblue.net>  
To: Board of Supervisors <BoardOfSups@co.slo.ca.us>, BOS secretary <ccampa@co.slo.ca.us>, Adam Hill <ahill@co.slo.ca.us>, Bruce Gibson <bgibson@co.slo.ca.us>, Debbie Arnold <darnold@co.slo.ca.us>, Frank Mecham <fmecham@co.slo.ca.us>  
Date: 08/25/2013 01:08 PM  
Subject: RE item #13 Urgency Ordinances for the Paso Robles Groundwater Basin

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Please enter this letter into the record for the August 27, 2013 meeting re Agenda item #13, Urgency Ordinances for the Paso Robles Groundwater Basin.

Just for the record, I am attaching a pdf file showing the maps referred to in this letter.



MapsChange in Groundwater elevation.pdf

To the San Luis Obispo Board of Supervisors,

This is a copy of what I will be presenting on the August 27th meeting.

Hopefully the maps will appear on the screen during the meeting.

At the Board of Supervisors meeting on Aug 6, 2013, Urgency Ordinances for the Paso Robles Groundwater Basin were discussed but not passed.

Although Supervisors Hill and Gibson spoke in favor of passing them immediately, Supervisors Mecham & Arnold said they needed more time and more info.

Here is some very clear information. I would respectfully ask Supervisors Mecham and Arnold, as well as the audience, to please take a good look at the maps on the screen. At the Aug 6th meeting, Supervisor Arnold said, "The crisis is the wells going dry." These maps show that the underlying crisis is that the Paso Robles Groundwater Basin is going dry. Dry wells are only the symptom of the crisis.

One pic = 1000 words.

These maps show the decrease in the PR Basin groundwater levels between 2009 and 2013 - 4 years time. The Basin is now in Level III severity - more water pumped out than is being replenished.

Looking at the basin as a body, and the red as water leaving the body, this looks like a hemorrhage to me. Water hemorrhaging out of the basin. This is not a "hot spot" issue. This is not an issue that a bandaid can help. And I would respectfully appeal to Supervisor Arnold, who says she is concerned with helping the people whose wells have gone dry, by saying that making low-cost loans available to drill new wells, and arranging brokers to have water trucked to people whose wells have gone dry, are bandaids and an insult to those she says she wants to help. Yes, those things could be of some use, but most of those whose wells have gone dry are not rich landowners, but people trying to survive. Many have mortgages and are trying to raise families. Many are retired on fixed incomes. The money to solve a problem they did not create is simply not there.

Dry wells are a symptom of the underlying problem that needs to be addressed immediately, - the huge amount of water that is being pumped out of a declining aquifer every day. Just look at the maps.

In the 10 days between July 29th, and August 8th, the County Environmental Health Dept. received over 100 well permit applications - far above the normal rate of 7 or 8 permit requests in a week's time according to Supervising Environmental Health specialist Rich Lichtenfels. People rushing to file new applications before any urgency ordinances could be put in place. Please - do not give them even more time!

This Saturday's Tribune (8/24/13) had an article reporting that the [State Water Resources Control Board](#) has sent a letter to San Luis Obispo County Supervisors urging them to adopt an emergency ordinance that will slow the current depletion of the groundwater basin and allow time to develop a basin management plan.

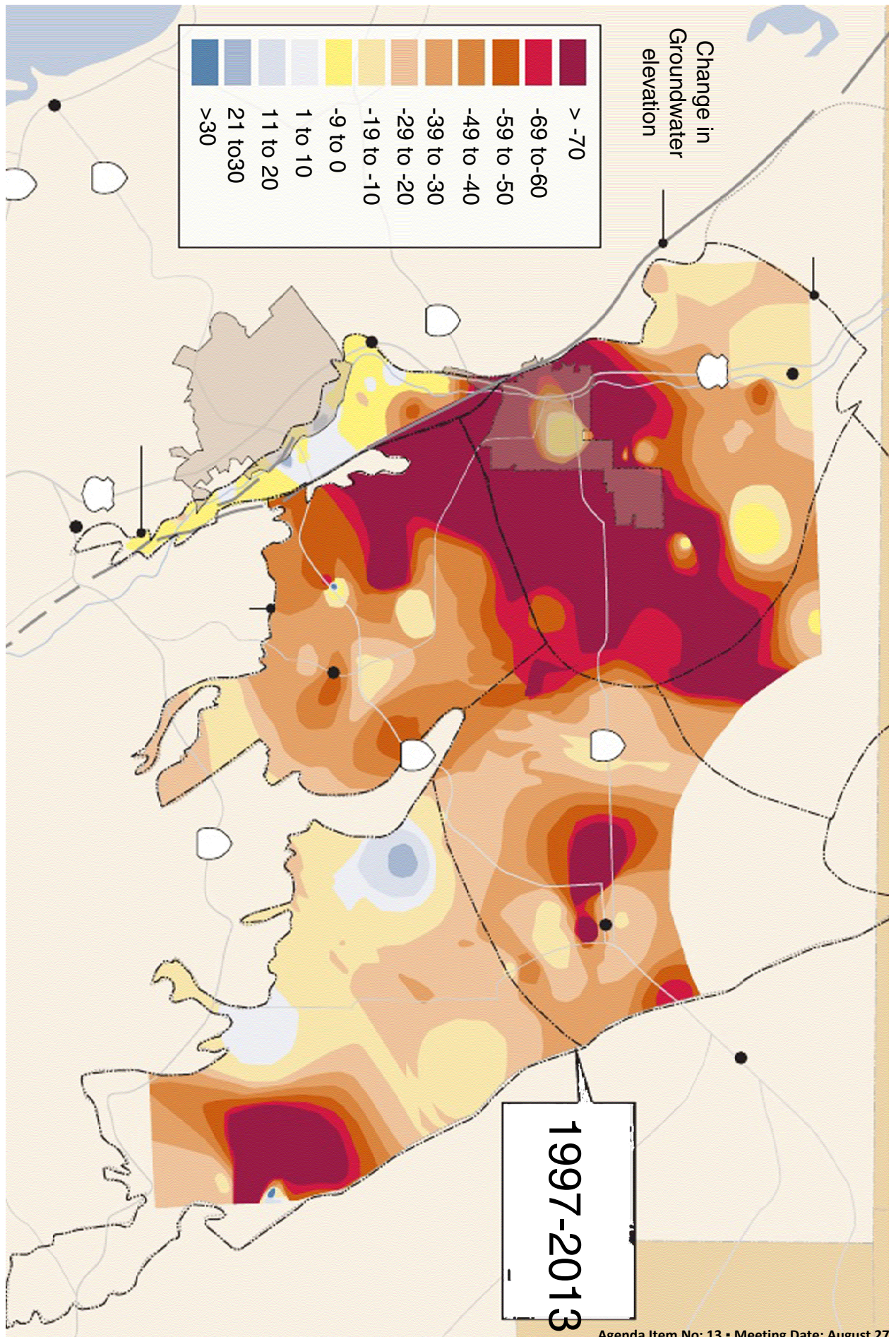
Couldn't be clearer than that. We don't need more studies, we don't need bandaids, we need action, and we need it NOW - AND I believe that it should be retroactive to August 6 to keep the rush of new well permits & planting from happening.

Thank you for your time.

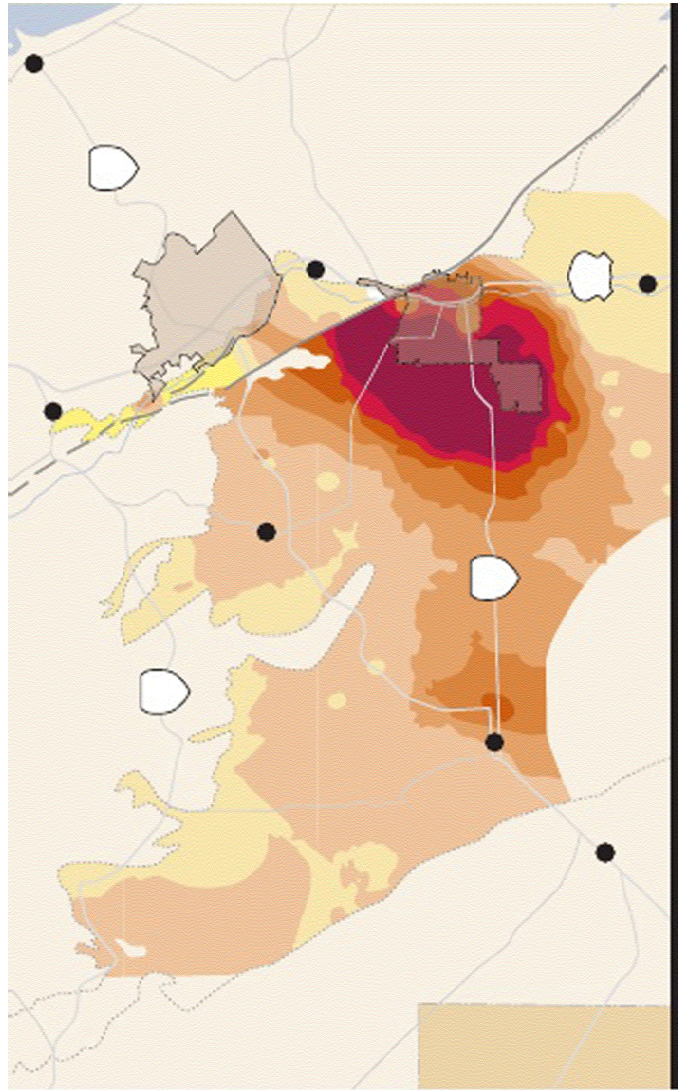
Carol Rowland

Creston, CA 93432









1997-2009



**Fw: BoS hearing, August 27, 2013, Item 13**

**Cytasha Campa** to: BOS\_Legislative Assistants Only,  
cr\_board\_clerk Clerk Recorder

08/26/2013 08:13 AM

Kindest regards,

## Cytasha Campa

Board Secretary

Board of Supervisors

San Luis Obispo County

805-781-4335

----- Forwarded by Cytasha Campa/BOS/COSLO on 08/26/2013 08:13 AM -----

From: Tasha Hall Wilkie <hall\_wilkie@sbcglobal.net>  
To: darnold@co.slo.ca.us, fmecham@co.slo.ca.us, ahill@co.slo.ca.us, bgibson@co.slo.ca.us,  
ccampa@co.slo.ca.us  
Cc: BoardofSup@co.slo.ca.us  
Date: 08/23/2013 05:09 PM  
Subject: BoS hearing, August 27, 2013, Item 13

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PLEASE ENTER THIS LETTER INTO THE RECORD FOR THIS HEARING.

To: San Luis Obispo County Board of Supervisors - Supervisors Arnold, Mecham, Hill, and Gibson, and the Secretary of the Board

Dear Members of the Board,

I have been a resident of North SLO County for over 20 years. When we moved here, I thought we would never live anywhere else. Now, like many others, we talk about moving within the next 5 years - before our well runs dry and our property becomes worthless. We can't afford to drill a new well, or take a 2nd mortgage, or take on an additional loan.

I urge the Board of Supervisors to take immediate action and pass the Urgency Ordinance, retroactive to Aug 6 2013, covering the entire Paso Robles Groundwater Basin - the same area that is certified Level of Severity III - and create a moratorium on new and expanded development until a comprehensive plan is put into place to manage the overall water usage equitably.

If residents are forced to leave the area, it will have a huge impact on the economy. We may not sell bottles of wine worldwide, but we do live here, work here, send our children to school here, and are the mainstay of the local economy. We support the local businesses, organizations, churches, and all the many facets that make up a community. We have a vested interest in what happens here that goes deeper and is more far-reaching than corporate profits.

California Water Code Section 106 tells us that water for domestic purposes is the highest use of water, and the next highest use is for irrigation. Therefore, it is critical that the Board of Supervisors take action to

safeguard this law and right of the residents of SLO County.

Supervisors, the residents of this County voted you into the office you hold. Your corporate backers may have paid for your campaign signs and media kits, but it is the residents who put you in office, entrusting their futures to you. You have a moral, ethical, and sworn duty to represent and protect them.

So please do the honorable thing on Tuesday. Pass the Urgency Ordinance and don't let the North County become a desert wasteland of foreclosed homes and broken dreams.

Sincerely,  
Natalie (Tasha) Wilkie  
Paso Robles, CA 93446





**Fw: Comments >> Re: Proposed Solutions from PR GMP Committee**

**Cytasha Campa** to: Adam Hill, Bruce Gibson, BOS\_Legislative  
Assistants Only, cr\_board\_clerk Clerk  
Recorder

08/26/2013 08:15 AM

Kindest regards,

## Cytasha Campa

Board Secretary

Board of Supervisors

San Luis Obispo County

805-781-4335

----- Forwarded by Cytasha Campa/BOS/COSLO on 08/26/2013 08:14 AM -----

From: John Hollenbeck <johnhollenbeckpe@gmail.com>  
To: ccampa@co.slo.ca.us  
Date: 08/23/2013 04:53 PM  
Subject: Fwd: Comments >> Re: Proposed Solutions from PR GMP Committee

I think this should have gone to you (I think you are the Board's secretary, yes?)

----- Forwarded message -----

From: **Dean DiSandro** <[ddisandro@epcweb.com](mailto:ddisandro@epcweb.com)>  
Date: Fri, Aug 23, 2013 at 4:44 PM  
Subject: Comments >> Re: Proposed Solutions from PR GMP Committee  
To: Paso BasinCommittee <[pasobasincommittee@gmail.com](mailto:pasobasincommittee@gmail.com)>  
Cc: Amy Gilman <[agilman@co.slo.ca.us](mailto:agilman@co.slo.ca.us)>, Ann Myhre <[annmyhre@msn.com](mailto:annmyhre@msn.com)>, "Barrett, Della" <[mustang4della@aol.com](mailto:mustang4della@aol.com)>, Bill Spencer <[farmerbill63@gmail.com](mailto:farmerbill63@gmail.com)>, Bob Finley <[ubjudge39@hotmail.com](mailto:ubjudge39@hotmail.com)>, Chad Patten <[pattenconstruction@gmail.com](mailto:pattenconstruction@gmail.com)>, Christine Plosser <[cplosser@sbcglobal.net](mailto:cplosser@sbcglobal.net)>, Dan Lloyd <[danrlloyd@yahoo.com](mailto:danrlloyd@yahoo.com)>, Debbie Arnold <[darnold@co.slo.ca.us](mailto:darnold@co.slo.ca.us)>, Debra Dommen <[debra.dommen@tweglobal.com](mailto:debra.dommen@tweglobal.com)>, Dick Woodland <[PapaDuck86@aol.com](mailto:PapaDuck86@aol.com)>, Elaine Hagen <[saveourwells@att.net](mailto:saveourwells@att.net)>, Frank Mecham <[fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us)>, Gary Nemeth <[garysam@charter.net](mailto:garysam@charter.net)>, Gidi Pullen <[gidip@tcsn.net](mailto:gidip@tcsn.net)>, Greg Boyd <[gbmonument@aol.com](mailto:gbmonument@aol.com)>, Gwen Pelfrey <[grpelfrey@sbcglobal.net](mailto:grpelfrey@sbcglobal.net)>, Jamie Kirk <[jamie@kirk-consulting.net](mailto:jamie@kirk-consulting.net)>, Jillian Cole <[jillian@us-ltrcd.org](mailto:jillian@us-ltrcd.org)>, Jim Cole <[Jim.cole@mac.com](mailto:Jim.cole@mac.com)>, Jim Patterson <[jim.pttrsn@gmail.com](mailto:jim.pttrsn@gmail.com)>, John Hollenbeck <[johnhollenbeckpe@gmail.com](mailto:johnhollenbeckpe@gmail.com)>, Joy Sprague <[joy-sprague@hotmail.com](mailto:joy-sprague@hotmail.com)>, Judy Avery <[judyavery@tcsn.net](mailto:judyavery@tcsn.net)>, Kathy Barnett <[kjbarnett@tcsn.net](mailto:kjbarnett@tcsn.net)>, Kost Radich <[KostDRad@gmail.com](mailto:KostDRad@gmail.com)>, Matt Thompson <[mthompson@prcity.com](mailto:mthompson@prcity.com)>, Meegan Huff <[meeganhuff@yahoo.com](mailto:meeganhuff@yahoo.com)>, Michael Furlotti <[mf@qfunds.net](mailto:mf@qfunds.net)>, "Mr. Galvin" <[mrggalvin@yahoo.com](mailto:mrggalvin@yahoo.com)>, Paul Hoover <

[paul@stillwatersvineyards.com](mailto:paul@stillwatersvineyards.com)>, Paul Sorensen <[psorensen@fugro.com](mailto:psorensen@fugro.com)>, "Poole, Melissa" <[MelissaP@paramountfarming.com](mailto:MelissaP@paramountfarming.com)>, Rob Morrow <[robm@cannoncorp.us](mailto:robm@cannoncorp.us)>, Sam Schaefer <[sschaefer@geiconsultants.com](mailto:sschaefer@geiconsultants.com)>, Steve Amerikaner <[samerikaner@bhfs.com](mailto:samerikaner@bhfs.com)>, Susan Harvey <[ifsusan@tcsn.net](mailto:ifsusan@tcsn.net)>, Tonya Strickland <[tstrickland@thetribunenews.com](mailto:tstrickland@thetribunenews.com)>, Wayne Montgomery <[wmontgom@calpoly.edu](mailto:wmontgom@calpoly.edu)>, "William M. Frost" <[bill\\_frost@sbcglobal.net](mailto:bill_frost@sbcglobal.net)>, [bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us), [ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us)

Water Committee and Board of Supervisors:

Thank you all for your many efforts in attempting to deal with this thorny water issue.

Prior to the Board's meeting next week, I'd like to reiterate some of my specific previous comments on the ground water issue and the proposed emergency measures (at least those of which I am aware).

- 1) **NO arbitrary restrictions**, permitting or prohibitions on planting crops (such as grapes) on agricultural- or rural residential-zoned lands or drilling wells should even be considered... that would be a government taking equivalent to eminent domain for which value must be paid.
- 2) Forcing a **2-for-1 offset** for "new users" is both arbitrary and highly prejudicial to those who have NEVER contributed to the current decline in the basin, simultaneously rewarding the most profligate of the current abusers. Terrible public policy.
- 3) Provisions **MUST** be made to protect the entitlements and investments of parcel owners who have already taken significant steps toward developing the zoning-appropriate uses of their Rural and Ag lands. Failure to do so would again be a government taking akin to eminent domain requiring the County government to re-pay the investments and values "taken" or made valueless by their actions. To use a vineyard-related example (since this type of Ag development typically take many years to complete), any proposed ordinance should include "**grandfathered**" exemptions for any vineyard development and related wells/water uses where *any one* of the following applies:
  - (A) land has been prepared for planting (ripping, staking, fencing, etc.),
  - (B) vines have been ordered or are in the process of receiving FDA importing approvals,
  - (C) Ag well(s) have already been developed (even where no plantings currently exist)
  - (D) A related entitlement has already been secured (i.e., approved tasting room and/or winery facility, even where no plantings currently exist) which contemplated eventual planting (including appropriately zoned adjunct parcels owned by the same interests as of this date, such as other plantable parcels which the winery operator has already purchased with the expectation of planting grapes to support their winery operations).
- 4) Ultimately **capping usage of water on a "pro-rata" land area basis** seems to be the fairest and most rational way to allocate the long term use of these hydrological "commons" (e.g., allocate basin water directly proportional to parcel size, such as 2 acre feet of water per year for each acre of land, so that a SFR sitting on 0.1 acre would be able to use 0.2 acre feet of water per year), ensuring that the lawns and pools of city users do not politically trump the ag-related uses

of rural and ag parcel owners.

5) Clearly, the Board already has the power to immediately halt any new land sub-divisions on county lands (which would otherwise create additional building allocations and water uses), and so should declare a moratorium on all such sub-divisions until a permanent long term plan and solution can be identified and a final growth limit imposed. The local cities & CSDs should be encouraged to likewise prohibit new sub-divisions in the face of such an "emergency", since failing to do so (i.e., allowing continued "growth" without adequate natural resources to support that growth) makes the rest of these noble efforts seem useless, even disingenuous, robbing existing parcel owners of the opportunity to realize their plans and dreams.

Finally, I will reiterate an idea I have proposed previously on many occasions:

To quickly and cheaply gain tremendous statistical data regarding the realities of the Ground Water Basin, the county can and should pass an ordinance requiring that well drilling firms provide the county with actual well test data for ALL well tests conducted for any reason (for example, as part of nearly every sales escrow the buyer obtains such a well test report). This would give the county hundreds of new data points throughout the basin every year at no cost (beyond data input by an existing county staff member or perhaps even concerned citizen volunteers).

The county could also agree to reimburse drillers for the reasonable cost of providing copies of all tests conducted over the past 5 - 10 years. This would be an incredibly valuable and statistically inarguable amount of data at a very low cost per data point.

To protect privacy, the data can be detached from a specific parcel and instead entered and stored simply as within a given land section (the existing 640 acre, 1 mile by 1 mile, grid established by the original land survey). This anonymized data can then be made public.

Further, to the extent that County Counsel feels that the Supervisors might have the constitutional right to interfere with private property and riparian rights by limiting, taxing, or prohibiting zoning-appropriate uses of Rural and Ag lands, then certainly this far-less-draconian step of discovering the true moving data necessary to support such a sweeping ordinance would easily be within the power of the Board.

I suggest the Board consider this data gather step be implemented and analyzed over the next year BEFORE passing any emergency or other ordinance requiring metering, or restricting planting, well or rural residential developments.

Thanks for listening and doing the "right" thing,

:-Dean DiSandro

Land Owner  
Winery Owner

Real Estate Broker  
Management Consultant

On 8/22/2013 8:29 PM, Paso BasinCommittee wrote:

Interested Parties,

For your information, attached are the solutions that the committee agreed on.

These are on the agenda of the San Luis Obispo County Board of Supervisors' August 27 meeting.

Thank you for your continuing interest in the Paso Robles groundwater basin.

Regards,

Mike Cussen  
At-Large Alternate

--

Dean DiSandro  
PO Box 3586  
Paso Robles, CA 93447  
tel:  
fax:  
cell:

--

John R. Hollenbeck, P.E.  
Hollenbeck Consulting

Atascadero, CA





**To:** BOS\_Legislative Assistants, cr\_board\_clerk Clerk Recorder/ClerkRec/COSLO@Wings,  
**Cc:**  
**Bcc:**  
**Subject:** Fw: Contact Us (response #2411)  
**From:** Board of Supervisors/BOS/COSLO - Monday 08/26/2013 08:29 AM  
**Sent by:** Cytasha Campa/BOS/COSLO

----- Forwarded by Cytasha Campa/BOS/COSLO on 08/26/2013 08:29 AM -----

**From:** "Internet Webmaster" <webmaster@co.slo.ca.us>  
**To:** "BoardOfSupps@co.slo.ca.us" <BoardOfSupps@co.slo.ca.us>  
**Date:** 08/26/2013 06:48 AM  
**Subject:** Contact Us (response #2411)

## Contact Us (response #2411)

### Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	<a href="http://www.slocounty.ca.gov/bos/BOSContactUs.htm">http://www.slocounty.ca.gov/bos/BOSContactUs.htm</a>
Submission Time/Date:	8/26/2013 6:47:58 AM

### Survey Response

Name:	Shandon Resident
Telephone Number:	
Email address:	
	<p>Rule one in farming is never farm in an area without checking water conditions before you start or buy a piece of ground. I have rejected several available parcels in the past 5 years in the Paso Robles area due to lack of water. These are now being developed into vineyard, with clear unsustainability of water. The aquifer under the Shandon area has a long history of reliable agricultural and residential use. It has good annual recharge from winter rains. It operates separately from the portion of the basin to the west that is suffering significant declines and slow rebounds to water levels. Just as the Atascadero sub basin has its own unique source of annual recharge, the Shandon Aquifer or sub basin has its own source of annual recharge. Rains that fall on the east side of the La Panza Range and Black Mountain come down Camatta and San Juan Creeks and their sub-flows to annually recharge the Shandon sub-basin. The nature of the subsurface layers between our sub basin and the areas of the basin due west of us restricts the lateral movement of water from under Shandon to the west. The Shandon Sub-Basin is a reliable</p>

Comments or  
questions (8,192  
characters max):

source of water for agriculture and other users. We did our due diligence, talking to local well drillers and farmers, that Shandon was situated over a productive aquifer with good annual recharge. Shandon has good soils with a reliable water supply. The Shandon Sub-Basin should not be managed with the troubled areas to the West of Shandon. Well test records from the County website along with our own well tests show that Shandon does not have the significant decline seen elsewhere. There is no basis in fact to broadly apply the same corrective measures to the Shandon area that may be applicable to other areas. This is an extremely important set of decisions the Board is contemplating. The effects of these decisions will be far reaching and need to be understood. The Board needs clear accurate data to make informed decisions. There is a real need to take action to protect our water resource. There is also a need for more and broader collection of data both historical and new. There is an equally strong need to share that data. It would be very helpful if the County were to make available the data they are using for their presentations and modeling with expert Hydrogeologists representing stakeholders. Anonymity of well owners could be and should be maintained. A broader understanding and acceptance of how the aquifer operates would be gained. We want to have the basin operate in a sustainable fashion allowing the agricultural economic engine that is so important to our local economy to continue running while maintaining the ability for all of us here to have access to a reliable supply of water.



**Fw: comments on Interim Ordinance**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

08/26/2013 08:30 AM

Sent by: **Cytasha Campa**

----- Forwarded by Cytasha Campa/BOS/COSLO on 08/26/2013 08:30 AM -----

From: "Susan Harvey" <ifsusan@tcsn.net>  
To: <boardofsups@co.slo.ca.us>  
Date: 08/25/2013 08:15 PM  
Subject: comments on Interim Ordinance

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Dear Fran – Please distribute our comments to the Supervisors. There are 2 files. One is our letter. The other file is Attachment A which are letters we are submitting for the record.

Thank you,

Susan Harvey  
North County Watch

**Susan A. Harvey**

"Tell me, what is it you plan to do  
with your one wild and precious life?"  
from "*The Summer Day*"  
by Mary Oliver



NCW BoS Int Ord 8-27-13.pdf



NCW BoS Int Ord Attachment A 8-27-13.pdf



## North County Watch

Looking Out Today For Tomorrow

Board of Supervisors  
County of San Luis Obispo  
San Luis Obispo, CA 93406  
Via Email [boardofsuprs@co.slo.ca.us](mailto:boardofsuprs@co.slo.ca.us)

August 26, 2013

RE: Adoption of Interim Ordinance for protection of Paso Robles groundwater basin

Dear Chairman Gibson and Supervisors,

### Pipeline

The parameters and cutoff date for the “pipeline” are extremely important and contentious issues to consider. The cutoff date for the issuance of well permits must be no later than August 6<sup>th</sup>, 2013.

The standard for what constitutes current irrigated agricultural operations must be vines in the ground by August 6<sup>th</sup>, 2013. The basin is in a state of serious decline right now today with the acreage already planted.

The county will be failing in its obligation to manage the basin if it sanctions a pipeline without any idea of what the additional impact on the basin will be from any growth in acreage beyond what is in the ground as of August 6.

In order to make findings that allow a pipeline as defined in the staff report, you must know the answers to these question: how many acres are in the pipeline, at what density will they be planted, what is the targeted tonnage per acre, etc. There is no way to know the answers to those questions. There is a frenzy of ripping occurring to beat the deadline but how would the county be able to determine if any particular land had been ripped before or after the cutoff date? The only way to authenticate entitlements is vines in the ground as of August 6<sup>th</sup> but no later than August 27<sup>th</sup>.

Also, the language for the pipeline is so broad, the question has to be asked: Is there any real intent to plant on land in the pipeline or will it just function as a place holder – non-irrigated

*Page 1 of 2*

North County Watch P.O. Box 455 Templeton, CA 93465

501(c)(3) nonprofit corporation (77-0576955) Agenda Item No: 13 • Meeting Date: August 27, 2013

Presented By: Susan Harvey

Rec'd prior to the meeting & posted on: August 26, 2013

Page 2 of 29



land with special entitlements that can be used for an offset. Why would the county want to award entitlements to a few disadvantaging the majority of others?

You must know that if every one of the over 6,000 rural residences disappeared today – stopped withdrawing any water from the basin – the water savings would barely cover the new plantings already in the ground. The basin would still be in overdraft from established plantings.

### Strong Ordinance Necessary to Manage the Basin

There are no credible arguments for waiting to adopt this Interim Ordinance EXCEPT the adoption of much stronger protections, including ban of overhead watering, mandatory metering and reporting for all current uses and the adoptions of options delineated in the letter of August 20, 2013 from Mr. Thomas Howard of the State Water Board:

Every region of the state had a responsibility to use **ALL** available strategies to maximize their water supplies, including conservation, use of recycled water, **pumping restrictions**, and comprehensive groundwater basin management. [Emphasis Added]

Not only do 20,000 residents depend SOLELY on the aquifer for their ONLY source of water, the entirety of the vineyard industry depends on the long term health and sustainability of the aquifer.

The adoption of a strong Interim Ordinance (IO) is only the first small step to proactively managing the basin. The Interim Ordinance is only the first step but it is vitally necessary that you start that journey on August 27<sup>th</sup>.

We are submitting for the record, copies of letters we have previously submitted to your board. Please find those letters attached below.

Yours Truly,



Susan Harvey

Attachment A - NCW letters dated:

May 17, 2013

May 6, 2013

March 18, 2013

December 13, 2012

September 21, 2012



North County Watch

Looking Out Today For Tomorrow

ATTACHMENT A  
Board of Supervisors  
August 27, 2013





MEMO TO: Paso Robles Groundwater Basin Blue Ribbon Committee

FROM: Susan Harvey, President  
North County Watch

DATE: May 17, 2013

RE: Water Code Section 106

North County Watch is a 501 c3 non-profit Public Benefit corporation. We are an all-volunteer organization committed to sustainable development in and around north San Luis Obispo County.

We would like to addresses issues around a discussion at the BRC meeting on May 16th, regarding the accuracy of our *a priori* statement regarding the superior rights of rural residential users. Thank you for raising the issue and this opportunity to elucidate our position.

#### Water Code Section 106

Water Code Section 106 provides "It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation."

#### Court Support for Section 106

California courts have consistently supported the policy codified in Section 106. In *City of Beaumont v. Beaumont Irrigation District* (1965)<sup>i</sup>, the court held that Section 106 is a policy that governs administrative agencies' water allocation decisions, stating that application of "section 106 of the Water Code...is binding upon every California agency," including irrigation districts which were parties to the case.

*Meridian v. San Francisco* (1939)<sup>ii</sup> stated "It should be the first concern of the court in any case pending before it and of the department in the exercise of its powers under the act to recognize and protect the interests of those who have prior and paramount right to the use the waters and streams. The highest use in accordance with the law is for domestic purposes, and next highest use is for irrigation."

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The California Supreme Court in *National Audubon Society v. Superior Court* (1983)<sup>iii</sup> stated “[a]lthough the primary function of [Water Code Sections 106 and 106.5], particularly section 106, is to establish priorities between competing appropriators, these enactments also declare principles of California water policy applicable to any allocation of water resources.”

*Central & West Water Basin Replenishment District v. So. California Water Co.* (2003)<sup>iv</sup> held that court-supervised mass adjudications of water rights are subject to and governed by Section 106, and it therefore rejected a proposal for water banking by some of the adjudicated parties because the proposal did not comply with the policy in Section 106 of prioritizing domestic use.

#### California Common Law Supports Section 106

California Common Law codifies the longstanding principle that in allocating California’s limited water supplies in time and places of scarcity, water needs for domestic purposes must take priority over water needs for commercial profit, including agriculture.

*Alta Land & Water Co. v. Hancock* (1890)<sup>v</sup> “the rights...to the use of water for the supply of the natural wants of man and beast” must take precedence over “the rights...to use the water for purposes of irrigation.”

*Smith v. Carter* (1897)<sup>vi</sup> “both parties [to the water rights dispute] were entitled to have their natural wants supplied, that is, to use so much of water as was necessary for strictly domestic purposes and to furnish drink for man and beast, before any could be used for irrigation purposes” and that “[a]fter their natural wants were supplied each party was entitled to reasonable use of the remaining water for irrigation”.

*Drake v. Tucker* (1919)<sup>vii</sup> the trial court “properly decided that it would be an unreasonable use of the water under all the facts and circumstances for the plaintiff to use it for irrigation before the domestic uses of the defendant had been satisfied.”

*Cowell v. Armstrong* (1930)<sup>viii</sup> “Natural uses are those arising out of the necessities of life...such as household use, drinking, [and] watering domestic animals...[and] unquestionably the term ‘domestic purposes’ would extend to culinary purposes and the purposes of cleaning, washing, the feeding and supplying of an ordinary quantity of cattle, and so on.”

*Prather v. Hoberg* (1944)<sup>ix</sup> “Without question the authorities approve the use of water for domestic purposes as first entitled to preference. That use includes consumption for the sustenance of human beings, for household conveniences, and for the care for livestock.”

*Deetz v. Carter* (1965)<sup>x</sup> “[p]riority conferred on domestic users by Water Code section 106 is a statutory extension of a traditional preference accorded to ‘natural’ over ‘artificial’ uses.”

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### Reasonable and Beneficial

In "The Reasonable Use Doctrine and Agricultural Water Use Efficiency: A Report to the State Water Resources Control Board and the Delta Stewardship Council" authored by Delta Watermaster Craig M. Wilson, Mr. Wilson lays the foundation for the "reasonable use" doctrine based on the California Constitution Section Article 10 Sec. 2, California Statutes Water Code §§100, 275, 1059, 1051, 1825, 10608, 10801, 85023, and several court cases.

Mr. Wilson, comments that the Reasonable Use Doctrine has been broadly implemented: "The State Water Board and the courts have used the doctrine to find unreasonable water uses in a variety of settings: ...7) The storage and diversion of water that jeopardize compliance with water quality standards; the public trust, and other in situ beneficial uses; 8) Excessive use of groundwater by overlying landowners in an overdrafted basin."

### Rights of the Rural Residential Overliers to the Basin

Our purpose for raising the issue is to inform the committee of the primary right of domestic user and to reinforce the importance of the standing of the rural residential user. The court cases arose out of adjudicative situations and while some members of the committee and others might argue that enforcement of Section 106 is only the purview of the courts, that is, strictly speaking, that all overlayers have equal rights, it is in the best interest of the rural residential overlayers to make it clear that the courts have repeatedly recognized the superior right of water uses for residential purposes over irrigated agriculture.

The question in point during the meeting and clarified by Chair Werner was "What issues do we want to see addressed in the investigation of basin management districts?" It is our position that the rights of rural residential users must be secured within the structure of any management district before the district is formed. Thus far, we have not seen discussion or attention given to these rights that are codified in Section 106. We have been attending committee meetings for over 6 months, and it is not an exaggeration to say that focus has been primarily the needs of irrigated agriculture.

### California Water District Not Equitable to Rural Residential Overliers

We are even more concerned about the rights of the rural residential overlayer when there appears to be a well orchestrated push to form a California Water District. Water Code Section 35003<sup>26</sup> [Water Code §§ 34000-35003 codify a California Water District] states that voting rights are based on one vote for each dollar of assessed valuation. North County Watch continues to raise the issue of the rights of the rural residential user because we have not heard anything that would give comfort to the thousands of rural residential users as to how their rights and concerns might be addressed in a California Water District.

### Conclusion

North County Watch appreciates that this discussion of management districts is nascent and we fully support the efforts to establish a management structure. We clearly stated this position in

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our letter of March 18, 2013 on the failure of the county to manage the basin. We would be remiss if we waited until a district is formed to see if it protects the rights of rural residential users. We all have the goal of avoiding adjudication. Thus, the time to remind the committee and others of the priority rights of the rural residential user, per Section 106, is now, so that we get some acknowledgement and protection of those rights. Furthermore, North County Watch believes that domestic use includes a level of reasonable use commensurate with social and cultural norms of our community.

CC: Mr. Paavo Ogren, Director of Public Works  
Ms. Courtney Howard, P.E., Water Resources Engineer  
SLO County Board of Supervisors

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<sup>i</sup> *City of Beaumont v. Beaumont Irrigation District* (1965), 63 Cal.2d 291, 381, 46 Cal.Rptr. 465, 469

<sup>j</sup> *Meridian v. San Francisco* (1939), 13 Cal.2d 424, 450, 90 P.2d 537, 550

<sup>k</sup> *National Audubon Society v. Superior Court* (1983), 33 Cal.3d 419, 448, n.30, 189 Cal.Rptr. 346, 366 n.30

<sup>l</sup> *Central & West Water Basin Replenishment District v. So. California Water Co.* (2003), 109 Cal.App.4<sup>th</sup> 891, 912-13, 135 Cal.Rptr.2d 486

<sup>m</sup> *Alta Land & Water Co. v. Hancock* (1890), 85 Cal.219, 230

<sup>n</sup> *Smith v. Carter* (1897), 116 Cal. 587, 592

<sup>o</sup> *Drake v. Tucker* (1919), 43 Cal.App 53, 58

<sup>p</sup> *Cowell v. Armstrong* (1930), 210 Cal. 218, 225

<sup>q</sup> *Prather v. Hoberg* (1944), 24 Cal.2d 549, 5562, 150 P.2d 405, 412

<sup>r</sup> *Deetz v. Carter* (1965), 232 Cal.App2d 851, 854-55, 43 Cal.Rptr. 321, 323

<sup>xi</sup> 35003. Each voter shall have one vote for each dollar's worth of land to which he or she holds title. The last equalized assessment book of the district is conclusive evidence of ownership and of the value of the land so owned except that in the event that an assessment for a district shall not have been made and levied for the year in which the election is held, the last assessment roll of each affected county shall be used in lieu of the assessment book of the district as evidence of ownership. However, the board may determine by resolution that the assessment book or assessment roll of each affected county shall be corrected to reflect, in the case of transfers of land, those persons who as of the 45th day prior to the election appear as owners on the records of the county. If an equalized assessment book of the district does not exist, then each voter shall be entitled to cast one vote for each acre owned by the voter within the district, provided that if the voter owns less than one acre then the voter shall be entitled to one vote and any fraction shall be rounded to the nearest full acre.

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Board of Supervisors  
County of San Luis Obispo  
San Luis Obispo, CA 93406  
Via Email [boardofsups@co.slo.ca.us](mailto:boardofsups@co.slo.ca.us)  
[fzohns@co.slo.ca.us](mailto:fzohns@co.slo.ca.us)

May 6, 2013

RE: Item 21 Consideration of Management of Paso Groundwater Basin

Dear Chairman Texiera and Supervisors,

North County Watch is a 501 3c non-profit Public Benefit corporation. We are an all-volunteer organization committed to sustainable development in and around north San Luis Obispo County.

On March 18<sup>th</sup> we submitted a letter to your Board detailing the state of the Paso Robles groundwater basin and the importance of management of the basin. North County Watch supports a management district that fair and equitable allocation of water. We support Public Works' request for funds to retain a consultant to **evaluate the appropriate groundwater management structures for the Paso groundwater basin.** Analysis and direction of a management basin is an activity most appropriate to the public process under the direction of the county and adjunct to an analysis of other options.

Overdraft of the basin and its continued decline are matters of great urgency. Establishing an appropriate management district will take time. In our letter of March 18<sup>th</sup>, which we have attached for your review and for the record, we offered a list of possible actions that could begin to stop the decline now. We urge the Board to consider the following actions:

- Adopt an urgency interim plan for the equitable allocation of groundwater which protects the superior rights, per state law, of residential users, based on the health and safety of the residents, and their superior right to a clean, potable water supply.
- Enact an urgency moratorium restricting the installation of new wells to no greater than 6" casing.
- Enact an urgency interim ordinance requiring new and expanded water user provide liability insurance or bonding that guarantees that residential users' water supply and wells are maintained at current levels, current water quality and quantity.

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- Enact an urgency interim ordinance regulating new plantings and expansion of irrigated ag and other water intensive uses in the affected basin which limits per parcel use of water to a sustainable level.
- Immediately enact an urgency moratorium on Alternate Review Program for reservoirs and ponds as described in LUO 22.52.080 based on significant environmental impacts to water resources.

Sincerely,



Susan Harvey, President

Attachment to email: North County Watch letter dated March 18, 2013

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North County Watch P.O. Box 455 Templeton, CA 93465  
501(c)(3) nonprofit corporation (77-0576955)

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501(c)(3) nonprofit corporation (77-0576955)

Agenda Item No: 13 • Meeting Date: August 27, 2013  
Presented By: Susan Harvey  
Rec'd prior to the meeting & posted on: August 26, 2013  
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March 18, 2013

Board of Supervisors  
County of San Luis Obispo  
San Luis Obispo, CA 93406  
Via Email [boardofsup@co.slo.ca.us](mailto:boardofsup@co.slo.ca.us)

Re: County duty to manage the Paso Robles Groundwater Basin

Dear Chairman Teixeira and Supervisors,

North County Watch is a 501 3c non-profit Public Benefit corporation. We are an all-volunteer organization committed to sustainable development in and around north San Luis Obispo County.

#### **CONDITION OF PASO ROBLES GROUNDWATER BASIN**

In December 2012 the County released the latest results of its well monitoring of the Paso Robles Groundwater Basin. The hydrographs cover a thirty year period and are an average of several representative wells in a "subarea" of the basin. The attached hydrographs<sup>1</sup> for the Estrella, Shandon, and Creston subareas show the significant declines that have occurred.

Precipitation values are provided, which show that the groundwater declines continue in spite of the amount of rain that is received in the basin. The majority of the groundwater basin is in permanent decline.

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<sup>1</sup> Although the Gabilan area is in decline, the data is based on only one well and the hydrograph is not included.

The fact is the basin is in overdraft. Department of Water Resources Bulletin 118-Update 2003 defines "overdraft" as the condition of a ground water basin where the amount of water extracted exceeds the amount of ground water recharging the basin "over a period of years."

Groundwater overdraft is defined as the condition of a groundwater basin or subbasin in which the amount of water withdrawn by pumping exceeds the amount of water that recharges the basin over a period of years, during which the water supply conditions approximate average conditions (DWR 1998). Overdraft can be characterized by groundwater levels that decline over a period of years and never fully recover, even in wet years. If overdraft continues for a number of years, significant adverse impacts may occur, including increased extraction costs, costs of well deepening or replacement, land subsidence, water quality degradation, and environmental impacts.<sup>2</sup>

Such a period of time must be long enough to produce a record that, when averaged, approximates the long-term average hydrologic conditions for the basin. The data from the hydrographs covers 30 years of well levels and irrefutably supports and authenticates the fact of overdraft.

Paso Robles Groundwater Basin Water Balance Review and Update (Fugro 2010) estimated the groundwater pumping total in 2009 to range from 94% (91,915 AFY) to 99% (96,781 AFY) of the perennial yield<sup>3</sup> for the entire basin. Perennial yield is estimated at 97,700 AFY for the entire basin<sup>4</sup>. [Note the attached graph that separates out the numbers for the Atascadero subbasin from the main basin.] We have no estimate of the increase in irrigated Ag in the Paso Basin through 2011. We understand that during 2012-2013, an additional 8,000 acres of vines are being planted. At a very conservative one acre foot per acre per year, these 8,000 acres will guarantee, even to the most skeptical, that the basin exceeds the safe perennial yield, therefore – OVERDRAFT.

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<sup>2</sup> DWR Bulletin 118-Update 2003 p. 96

<sup>3</sup> *Paso Robles Groundwater Basin Water Balance Review and Update (Fugro 2010)* The perennial yields of the Basin... were estimated during Phase II of the Paso Robles Groundwater Basin Study as 97,700... (Fugro 2005). The water balance calculation from 1998 to 2009 for water duty factor set No. 1 (which assumes a rural domestic water duty factor of 1.0 AFY/DU) shows an estimated total groundwater outflow in 2009 of 91,915 AF (equal to approximately 94% of the perennial yield). The water balance calculation for set No. 2 (rural domestic water factor of 1.7 AFY/DU) suggests an estimated total groundwater outflow in 2009 of 96,781 AF (or approximately 99% of the perennial yield). P. 11

<sup>4</sup> Although most of the discussion of basin numbers does not differentiate between the main Paso basin, which is designated in a Level of Severity III and the Atascadero sub-basin which is not in overdraft, it is important to remember that based on 2006 numbers the safe perennial yield of the main basin is 80,600 AFY and the total demand is 73,928 AFY.

The Master Water Report<sup>5</sup> pages 4-177 through 4-178 and 4-187 through 4-188 shows future demand exceeding the safe yield.

The Paso Robles Groundwater Basin Resource Capacity Study, adopted February 2011, is an additional source for data. Restoring balance will not be easily accomplished and as the overdraft increases and continues, the safe yield in acre feet per year declines.

However, when considering the balance of inflows and outflows over a long period of time, 97,700 AFY of water can be removed on average, with no long-term decrease in storage. If outflows over a longer term basis are greater than 97,700 acre feet per year, it is assumed that water cannot be replaced and the process of "mining" groundwater has occurred. Mining of groundwater means that the water removed can never be replaced. Outflows would have to be lower than the perennial yield in a future year(s) to the same degree that outflows exceeded the perennial yield in order for mining of groundwater to not occur.<sup>6</sup>

#### **DUTY TO MANAGE THE BASIN AND ITS RESOURCES**

The problem of overdraft of groundwater basins is not unique to the Paso basin. DWR Bulletin 118-Update 2003 estimates that statewide groundwaters are overdrafted by 1-2 Million AFY.<sup>7</sup> The Santa Maria basin offers an example of overdraft resulting in adjudication of the basin and the resulting turmoil. Adjudication will most likely permanently cede management of the basin to a water master rather than the County.

The evidence from decades of study of the basin portrays a basin in serious decline. In fact, we maintain that the county failed in its duty as manager of the basin to recognize that the basin was in a state of critical overdraft as long ago as 2005, if not earlier. DWR Bulletin 188-Update 2003 defines critical overdraft as:

A basin is subject to critical conditions of overdraft when continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts.<sup>8</sup>

In its management role, the county has the duty to alleviate overdraft and the depletion of water resources, prevent waste and unreasonable water use and to maximize the beneficial use of the state's limited resource. The county's lack of affirmative water management policies has

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<sup>5</sup>

<sup>6</sup> *Paso Robles Groundwater Basin Resource Capacity Study – Adopted February 2011* P. 4

<sup>7</sup> DWR Bulletin 118-Update 2003 p.2

<sup>8</sup> *Ibid.* P. 98

resulted in evidence of harm to residents and the environment that is serious, irreversible and cumulative.

The final finding<sup>9</sup> in the Todd Engineering report "Evaluation of Paso Robles Groundwater Basin Pumping: Water Year 2006" clearly states what is required for long-term sustainability in the basin. The report states in part:

Given that agriculture accounts for two-thirds of pumping, regular updating of agricultural pumping (land use, cropping, and irrigation rate data) is essential to management of the groundwater resources for long-term sustainability.

Additional evidence of the County's failure to manage the basin can be found in land use policies that increase rural density and the failure to mandate timely updates to the basin's safe yield calculations. Further, the County does not require meters on wells nor prohibit the export of water from the basin. The alternative review option in the grading ordinance ignores impacts to the basin from agricultural ponds or reservoirs.

The Todd Engineering Report<sup>10</sup> includes the SLO County Planning Department assessment of "ultimate" residential build-out over the basin as 75% of all possible parcels and sets build-out pumping at "just over 37,000 AF." Pumping in the basin has already precluded a set aside of the required additional approximately 26,000 AF to accommodate build-out of 75% of existing parcels.

As a result of the County's deleterious and negligent failure to act, the County Board of Supervisors have created a public nuisance<sup>11</sup>. The nuisance is a threat to the health and safety of residential overlies of the basin, the destruction of environmental and public trust resources of the basin, and the economic impacts to private property and ag production from the loss of water resources.

The County is the sole manager of the basin and has recourse to abate the problem. "The public nuisance doctrine is aimed at the protection and redress of *community* interests and, at least in theory, embodies a kind of collective ideal of civil life which the courts have vindicated by equitable remedies since the beginning of the 16th century." (*People ex rel. Gallo v. Acuna*

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<sup>9</sup> Todd Engineering report "Evaluation of Paso Robles Groundwater Basin Pumping: Water Year 2006" (Published May 2009) p. 10

<sup>10</sup> *Ibid* p. 9

<sup>11</sup> "The elements 'of a cause of action for public nuisance include the existence of a duty and causation.' Public nuisance liability 'does not hinge on whether the defendant owns, possesses or controls the property, nor on whether he is in a position to abate the nuisance; the critical question is whether the defendant created or assisted in the creation of the nuisance.'" (*Melton v. Boustred* (2010) 183 Cal.App.4th 521, 542 [107 Cal.Rptr.3d 481], internal citations omitted.)



(1997) 14 Cal.4th 1090, 1103 (*Acuna*.) The expectation of clean, high quality groundwater is the standard of civil life for the overlies of the Paso basin and vital to "community interests".

Civil Code section 3480 provides: "A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."

The nuisance is substantial and unreasonable.<sup>12</sup> The interference to the public from overdraft is evidenced, at the very least, by the need to increasingly lower pumps, or drill new wells, or the loss of one's home. These damages<sup>13</sup> have been well stated in the public record.

In addition, the US Geological Survey has reported on the intrusion of geothermal waters into the fresh water aquifer as the basin is depleted (just as salt water intrusion is a problem in overdrafted coastal aquifers.) (Presentation to WRAC January 2013)

The County has failed to abate the nuisance even in the face of years of evidence that the basin is threatened by the continuation of its water management and agricultural practices and so, the County assumes the risk of financial burden of the losses by the residential overlies and commercial and industrial and agricultural overlies who experience health and safety and financial harm from loss of use or the interference with the expectation of quiet enjoyment of their property. The County is at risk of creating a permanent or long lasting condition<sup>14</sup> of overdraft by its failure to manage the basin equitably for all users.

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<sup>12</sup> "Of course, not every interference with collective social interests constitutes a public nuisance. To qualify . . . the interference must be both substantial and unreasonable." (*People ex rel. Gallo, supra*, 14 Cal.4th at p. 1105.)

<sup>13</sup> "An essential element of a cause of action for nuisance is damage or injury." (*Helix Land Co., Inc. v. City of San Diego* (1978) 82 Cal.App.3d 932, 950 [147 Cal.Rptr. 683].)

<sup>14</sup> Restatement (Second) of Torts, beginning with Section 821B

1. A public nuisance is an unreasonable interference with a right common to the general public.
2. Circumstances that may sustain a holding that an interference with a public right is unreasonable include the following:
  - a. whether the conduct involves a significant interference with the public health, the public safety, the public peace, the public comfort or the public convenience, or
  - b. whether the conduct is proscribed by a statute, ordinance or administrative regulation, or
  - c. whether the conduct is of a continuing nature or has produced a permanent or long lasting effect, and, as the actor knows or has reason to know, has a significant effect upon the public right.

## **PROTECTION OF PUBLIC TRUST RESOURCES**

Further, the studies commissioned by the County have consistently failed to account for water resources required for the health and safeguarding of environmental resources. The cited water studies make it clear that the requirements of environmental resources have not been considered in the assessment of safe yield. The categories of users are consistently:

Agricultural, Municipal, Small Community, Small Commercial, and Rural Domestic. In short, Public Trust Resources are ignored. Streams, springs and riparian areas are being de-watered by the drawdown of the basin. The ongoing Scott River litigation against Siskiyou County is all about the harmful impacts to riparian and public trust resources from groundwater pumping. The Scott River, like the Salinas River, is a navigable water body protected by the Public Trust Doctrine. Appendix E of DWR Bulletin 118-Update 2003<sup>15</sup> lists the State Water Resources Control Board beneficial use designations. These include the following:

- Preservation of Biological Habitats of Special Significance (BIOL) – Uses of water that support designated areas or habitats, such as established refuges, parks, sanctuaries, ecological reserves, or Areas of Special Biological Significance (ASBS), where the preservation or enhancement of natural resources requires special protection.
- Rare, Threatened, or Endangered Species (RARE) – Uses of water that support habitats necessary, at least in part, for the survival and successful maintenance or plant or animal species established under State or federal law as rare, threatened or endangered.
- Warm Freshwater Habitat (WARM) – Uses of water that support warmwater ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.
- Water Contact Recreation (REC-1) – Uses of water for recreational activities involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, or use of natural hot springs.
- Wildlife Habitat (WILD) – Uses of water that support terrestrial ecosystems including, but not limited to, preservation and enhancement of terrestrial habitats, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, invertebrates), or wildlife water and food sources.

Protection of public trust assets have consistently been ignored in consideration of basin requirements.

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<sup>15</sup> P. 240

## REVISION OF PROJECTIONS

Protecting public trust assets is an affirmative obligation. The Resource Capacity Study and other water assessments need to be revised and updated immediately to include water requirements for the protection of public trust assets and the beneficial uses listed.

Further, basin management recovery plans will necessarily be seriously flawed if they rely on projections for basin yield through 2025. The 2010 Basin Update qualifies the projections through 2025:

The 15-year climate (i.e., annual precipitation) from 1994 to 2009 is also assumed to repeat itself from 2010 to 2025.<sup>16</sup>

There is abundant evidence that we are headed for much drier years.<sup>17</sup> County studies of the basin and projections of future use need to be immediately revised to include models for predicted droughts.

## EXAMPLES OF ACTIONS

The County needs to act immediately to abate the nuisance created by its water management policies and its agricultural policies. Examples of actions the County can undertake include:

1. Immediately enact an urgency moratorium on Alternate Review Program for reservoirs and ponds as described in LUO 22.52.080 based on significant environmental impacts to water resources.
2. Enact an urgency interim ordinance regulating new plantings and expansion of irrigated ag and other water intensive uses in the affected basin which limits per parcel use of water to a sustainable level.

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<sup>16</sup> *Paso Robles Groundwater Basin Water Balance Review and Update (Fugro 2010)* P. 12

<sup>17</sup> Permanent climate conditions across the North American Southwest that are comparable to the worst mega drought in 1,000 years ... Seager et al., Projections of declining surface water availability for the southwestern United States, *Nature Climate Change*, December 2012, page 5, last paragraph.

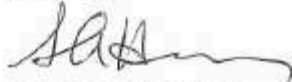
Abstract: <http://www.nature.com/nclimate/journal/vaop/ncurrent/full/nclimate1787.html>

NOAA: <http://www.ldeo.columbia.edu/res/div/ocp/glodsch/research11%20SW%20water%20surface.html>

Earth Institute press release: <http://blogs.ei.columbia.edu/2012/12/23/smaller-colorado-river-projected-for-coming-decades-study-says/>

3. Require a hold harmless notification, similar to the Right to Farm notification, in the form of a recorded notice as part of the title process when land is sold in the basin noticing the buyer that the basin is in decline and the buyer should not rely on groundwater for intensive water uses.
4. Enact an urgency interim ordinance requiring new and expanded water user provide liability insurance or bonding that guarantees that residential users' water supply and wells are maintained at current levels, current water quality and quantity.
5. Enact an urgency moratorium restricting the installation of new wells to no greater than 6" casing.
6. Adopt an urgency interim plan for the equitable allocation of groundwater which protects the superior rights, per state law, of residential users, based on the health and safety of the residents, and their superior right to a clean, potable water supply.
7. Enact an urgency moratorium on all agricultural overhead irrigation, including for frost protection measures.
8. Enact an urgency moratorium banning construction of all reservoirs for the storage of water for irrigation purposes.
9. Safeguard public trust assets by updating its water assessment use to include environmental and natural resource requirements.
10. Prohibit the export of water from the basin.

Respectfully,



Susan Harvey, President

Attachments: Hydrographs for Shandon, Creston, and Estrella

CC: Paavo Ogren, Director, County Public Works  
Paso Robles Groundwater Basin Blue Ribbon Committee

## Sub-Area WSE Trend Analysis

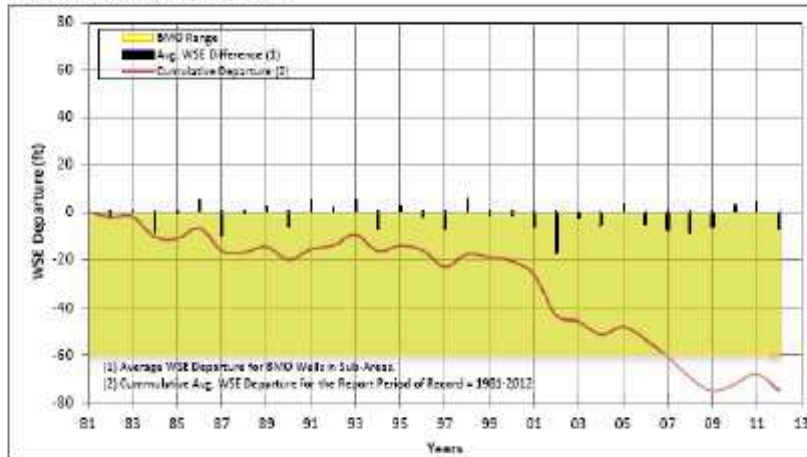
Max. Irrig. The County of San Luis Obispo, CA

Date 11/15/2012

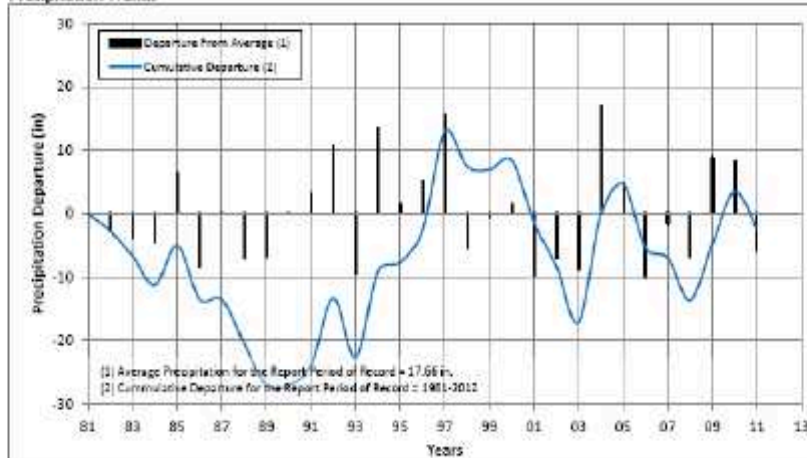
Sub-Area Information		Sub-Area Well Records		Report Information	
Sub-Area	Estrella	Period of Record	1977-2012	Report Start Year	1981
Basin Name	Paso Robles	Num. BMO Wells	6	Period of Record	1981-2012
Rainage Information		Rainage Records		Trend Analysis Results	
Rainage Name	Atac, Mutual Water # 34	Period of Record	1928-2012	BMO Target <sup>(1)</sup>	(60.00 ft)
Rainage Elev.	835.00 ft	Average Precip.	17.72 in	2012 CD	(75.35 ft)

NOTES: 1) The Basin Management Objective (BMO) is to maintain the Cumulative Departure (CD) above the BMO Target.

### Water Surface Elevation (WSE) Trends



### Precipitation Trends





## Sub-Area WSE Trend Analysis

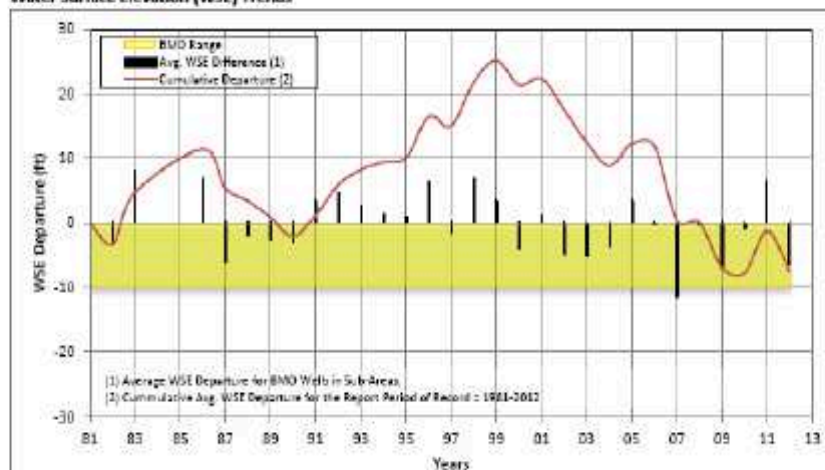
WWS, City: The County of San Luis Obispo, CA

Date: 11/15/2012

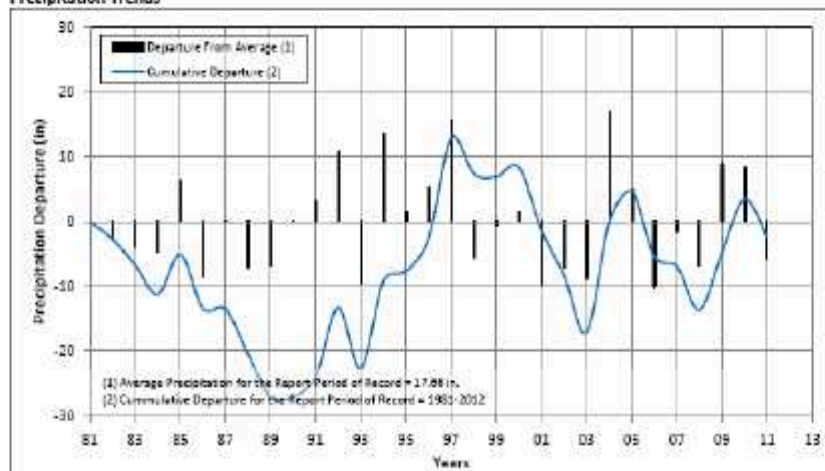
Sub-Area Information		Sub-Area Well Records		Report Information	
Sub-Area	CDW008	Period of Record	1975-2012	Report Start Year	1981
Basin Name	Paso Robles	Num. BMO Wells	4	Period of Record	1981-2012
Raiingage Information		Raiingage Records		Trend Analysis Results	
Raiingage Name	Atlas Mutual Water # 30	Period of Record	1978-2012	BMO Target <sup>(1)</sup>	(10.00 ft)
Raiingage Elev.	855.00 ft	Average Precip.	17.77 in	2012 CD	(7.87 ft)

NOTES: 1) The Basin Management Objective (BMO) is to maintain the Cumulative Departure (CD) above the BMO Target.

### Water Surface Elevation (WSE) Trends



### Precipitation Trends



## Sub-Area WSE Trend Analysis

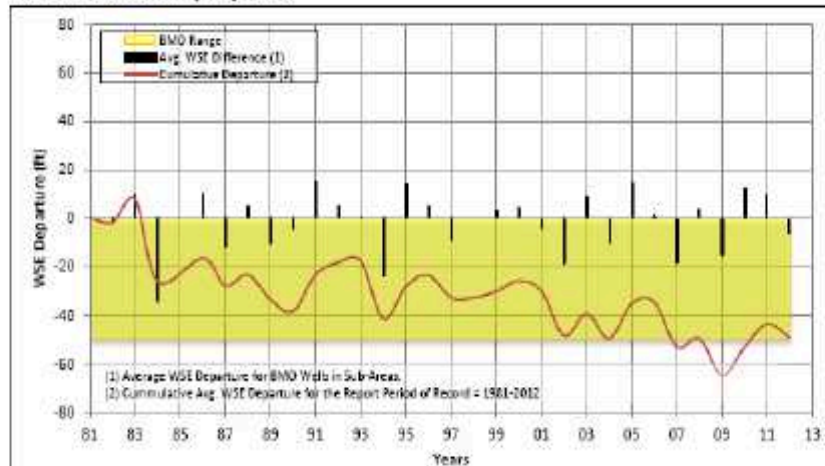
Sanity: The County of San Luis Obispo, CA

Date: 11/15/2012

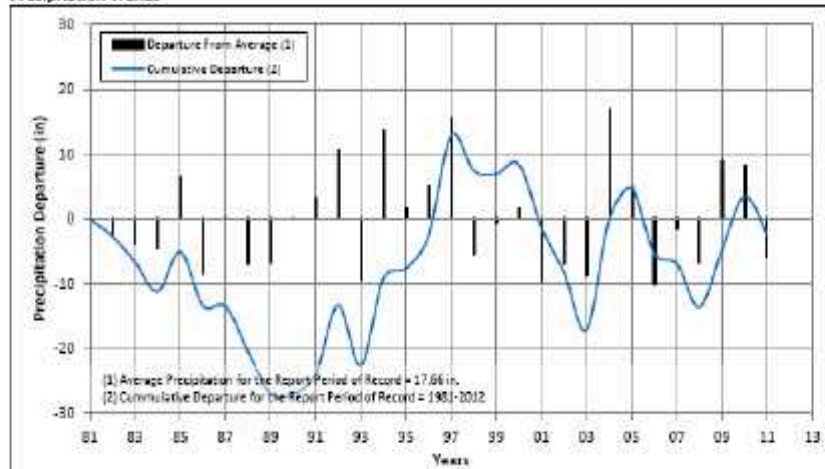
Sub-Area Information		Sub-Area Well Records		Report Information	
Sub-Area	Shandon	Period of Record	1976-2012	Report Start Year	1981
Basin Name	Paso Robles	Num. BMO Wells	4	Period of Record	1981-2012
Raiingage Information		Raiingage Records		Trend Analysis Results	
Raiingage Name	Atas. Mutual Water # 34	Period of Record	1928-2012	BMO Target <sup>(1)</sup>	(50.00 ft)
Raiingage Elev.	835.00 ft	Average Precip.	17.77 in	2012 CD	(49.50 ft)

NOTES: 1) The basin Management objective (BMO) is to maintain the cumulative departure (CD) above the BMO target.

### Water Surface Elevation (WSE) Trends



### Precipitation Trends



Distribution of 2006 Water Demands to Subarea

			Demand Type				
Subarea	Agriculture	Municipal	Small Community Systems	Small Commercial Systems	Rural Domestic	Total	Percentage
Atascadero Subbasin	1,348	11,735	0	430	2,032	15,545	17%
Bradley	6,933	0	0	184	109	7,226	8%
Creston	9,936	0	0	37	2,338	12,311	14%
Estrella	23,111	3,930	0	1,603	5,433	34,077	38%
North Gabilan	1,758	0	0	0	50	1,808	2%
San Juan	5,347	0	0	0	105	5,452	6%
Shandon	9,896	0	0	69	1,205	11,170	12%
South Gabilan	1,671	0	0	0	213	1,884	2%
<b>Total</b>	<b>60,000</b>	<b>15,665</b>	<b>0</b>	<b>2,323</b>	<b>11,485</b>	<b>89,473</b>	<b>100%</b>
<b>Percent of Total</b>	<b>67%</b>	<b>18%</b>	<b>0%</b>	<b>3%</b>	<b>13%</b>	<b>100%</b>	
<b>Total w/o Atascadero Subbasin</b>	<b>58,652</b>	<b>3,930</b>	<b>0</b>	<b>1,893</b>	<b>9,453</b>	<b>73,928</b>	
<b>Percent of Total w/o Atascadero Subbasin</b>	<b>79%</b>	<b>5%</b>	<b>0%</b>	<b>3%</b>	<b>13%</b>	<b>100%</b>	



December 13, 2012

Board of Supervisors  
County of San Luis Obispo  
San Luis Obispo, CA 93406  
Via Email [boardofsuos@co.slo.ca.us](mailto:boardofsuos@co.slo.ca.us)

RE: Item 35 Paso Robles Groundwater Basin

Dear Chairman Patterson and Honorable Supervisors,

North County Watch is a 501 3c non-profit Public Benefit corporation. We are an all-volunteer organization committed to sustainable development in and around north San Luis Obispo County.

We would like to offer the following comments on the Paso Robles Groundwater Basin and attachments for inclusion into the record. We are very concerned that suggested potential solutions and Requests for Proposals for feasibility studies for long term capital solutions (10-20 years) to the overdraft problems are skirting the immediate desperate problem of the declining basin. The basin doesn't have 10-20 years to wait for a solution.

Well Monitoring Data

The agendas for the December 5 WRAC meeting and the December 6 PR Groundwater Basin Committee included the much anticipated hydrographs generated by the long-term well monitoring program that the county has been engaged in. We are attaching those hydrographs because they are pertinent to our comments and your consideration of feasibility studies and the ultimate resolution to the declining basin.

These hydrographs of representative wells in each "subarea" of the basin were presented to the WRAC and to the Steering Committee. The Atascadero sub-basin and the San Juan area look okay. The South Gabilan area is in decline, however, the data is based on only one well. The Estrella, Creston and Shandon subareas are in serious decline. See the attached hydrographs.

The hydrographs are an average of several representative wells in the area. Precipitation values are provided, which show that the groundwater declines continue in spite of the amount of rain that is received in the basin. Basically, the majority of the groundwater basin is in decline. The fact is, it is in overdraft. DWR Bulletin 118-80 defines "overdraft" as the condition of a ground water basin where the amount of water extracted exceeds the amount of ground

Page 1 of 6      Board of Supervisors December 4, 2012      Item 18 Ag Cluster Ordinance Amendments  
NORTH COUNTY WATCH      P.O. BOX 455      TEMPLETON, CA. 93465

water recharging the basin "over a period of time." Such a period of time must be long enough to produce a record that, when averaged, approximates the long-term average hydrologic conditions for the basin. We realize there is some sensitivity at County levels and others to the word "overdraft", however, it is a fact which the data supports. The data from the Hydrographs supports and authenticates the use of the word "overdraft".

We are very disappointed to see that the Hydrographs were not included in the staff report for this issue. Not only does your Board need this information before you make any funding decisions, this information should be provided to the public for review.

#### How Much Water is Needed to Fill the Loss?

The question of how much water is needed to fill the loss in the basin has been asked. A simple way to calculate a rough estimate is to look at the Estrella area. The area encompasses about 100 square miles. The average porosity (or specific yield) is 8 percent for the Paso formation in the Estrella area. This value comes from page 4-13 of the Fugro Paso Robles Groundwater Sub-basin Water Banking Feasibility Report<sup>1</sup>.


Well levels in the Estrella area have fallen about 5 ft per year since the year 2000. The calculation is:

$$5 \text{ ft/yr} * 0.08 * 100 \text{ sq mi} * 640 \text{ acres/sq mi} = \text{over } 20,000 \text{ AF/yr.}$$

An additional 20,000 AF/y in the Estrella area is needed to stop the decline. That is a lot of water to make up - per year. That is a lot of water to import through capital projects and we are only looking at the Estrella sub area. Where will imported water come from? Who will pay for it? There are thousands of acres planned for vineyard expansion. The answer we need is how will agriculture re-allocate its water use in order to put the basin in balance.

Mr. Paul Sorensen (the lead hydrogeologist with Fugro) has publicly stated that the safe yield may well be overestimated and/or the pumping numbers may be underestimated. Since well levels continue to fall, the basin is certainly exceeding its safe yield.

Thank you for your consideration of our comments.

  
Susan Harvey  
President, North County Watch

<sup>1</sup>

<http://www.prcity.com/government/departments/publicworks/water/pdf/GBMP/reports/WaterBankingFeasibilityStudyApr08.pdf>





# SIERRA CLUB

## SANTA LUCIA CHAPTER



North County Watch

Looking Out Today For Tomorrow

September 21, 2012

Board of Supervisors

"Board of Supervisors" <BoardOfSuprs@co.slo.ca.us>

County of San Luis Obispo

San Luis Obispo, CA 93408

RE: Item 23 Amend Article 9 of the Land Use Ordinance, Title 22 of the County Code, to add water conservation requirements for discretionary land use permit applications within: 1) the rural portions of the Paso Robles Groundwater Basin, outside of the Atascadero Sub-basin, 2) the Whitley Gardens and Creston Village Reserve Lines, and 3) the unincorporated Paso Robles Urban Reserve Line.

Dear Chairman Patterson and Supervisors:

North County Watch is a 501 3c non-profit Public Benefit corporation. We are an all-volunteer organization committed to sustainable development in and around north San Luis Obispo County.

The Santa Lucia Chapter of the Sierra Club represents San Luis Obispo County members of the Sierra Club, the nation's oldest and largest grassroots environmental organization.

North County Watch and the Sierra Club strongly support the passage of the proposed General Plan amendment. In February 2012 your Board certified a Level of Severity III (LOS III) for water supply in the main Paso Robles Groundwater Basin. The Board also adopted the Paso Robles Groundwater Basin Resource Capacity Study. The declaration by the Board of Supervisors to find a Level of Severity III for the Paso Groundwater Basin was based on extensive study of the basin and procedures mandated in the Framework for Planning, which is part of the General Plan.

The Framework for Planning describes an LOS III as an "Unavoidable Resource Deficiency":

### Level III: Unavoidable Resource Deficiency

This is the most critical level of concern. Level III occurs when the capacity (maximum safe yield) of a resource has been met or exceeded. At Level III, there is a deficiency of sufficient magnitude that drastic actions may be needed to protect public health and safety. While the intention of the RMS is to avoid reaching Level III entirely through a prior series of advisory memos, it is still possible that such a situation may occur. (Framework for Planning, p. 3-11)

Page 1 of 4

Planning Commission January 26, 2012 Item 3 Ordinance Interpretation

NORTH COUNTY WATCH P.O. BOX 455 TEMPLETON, CA. 93465



The Framework is specific about criteria for LOS III for Water Resources:

**Water Supply Criteria**

**Water Resources**

A Level of Severity III exists when water demand equals the available resource; the amount of consumption has reached the dependable supply of the resource. A Level III may also exist if the time required to correct the problem is longer than the time available before the dependable supply is reached. (Framework for Planning, p. 3-13)

The LOS III for the Paso Groundwater Basin was based on a long term Resource Capacity Study ordered by the Board of Supervisors and certified in February 2012 as described in the Framework for Planning:

**Resource Capacity Study:** A resource capacity study should: 1) inventory existing water resources available to the agency operating the system; 2) document existing demand for water by all area user-groups; and 3) explore any conservation measures that could reasonably be imposed by the water agency. (Framework for Planning, p. 3-15)

When an LOS III is determined, the Framework for Planning and thus the General Plan **require specific action**. The Board **shall** adhere to the following procedures:

**Level III Action Requirements**

If Level III is found to exist, the board shall make formal findings to that effect, citing the basis for the findings, and shall:

1. Institute appropriate measures (including capital programs) to correct the critical resource deficiency, or at least restore Level II so that severe restrictions will be unnecessary. In many cases, other agencies or districts will control decisions about necessary measures. The Board of Supervisors shall only seek cooperative assistance for a certain time period, beyond which measures may be considered to enact county ordinances or standards affecting resource usage such as development restrictions.
2. Adopt growth management or other urgency measures to initiate whatever restrictions are necessary to minimize or halt further resource depletion. Any such restrictions shall be reduced or removed only after a public hearing where the Board of Supervisors determines that Level III no longer exists and any dangers to public health or safety have been eliminated.
3. A moratorium on land development or other appropriate measures shall be enacted in the area that is affected by the resource problem until such time that the project provides additional resource capacity to support such development (Framework for Planning, p. 3-11)

The recently revised General Plan Conservation and Open Space Element contains policies and goals that support the proposed General Plan Amendments:

- Policy WR 1.7 Agricultural Operations<sup>i</sup>
- Policy WR 1.13 Density increases in rural areas<sup>h</sup>
- Policy WR 1.14 Avoid net increase in water use,
- Goal WR 1 The County will have a reliable and secure regional water supply (IRWM)<sup>ii</sup>
- Goal WR 2 The County will collaboratively manage groundwater resources to ensure sustainable supplies for all beneficial uses.
- Goal WR 3 Excellent water quality will be maintained

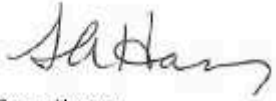
Page 2 of 4      Planning Commission   January 26, 2012      Item 3 Ordinance Interpretation

NORTH COUNTY WATCH   P.O. BOX 455   TEMPLETON, CA. 93465

The Board is directed to adopt appropriate measures to correct "critical resource deficiencies" including ordinances "affecting resource usage such as development restriction". The Framework for Planning requires measures be taken to protect the resources. The Conservation and Open Space Element has specific policies for addressing LOS III. Securing adequate water resources for communities is a health and safety issue. It is negligent to fail to enact measures to secure the Paso Basin from depletion.

Above all, it doesn't make sense not to protect this important resource. We have the evidence that warrants an LOS III. The adoption of these amendments is a necessary outgrowth of LOS III in the Paso basin.

Thank you for your consideration of our comments.



Susan Harvey  
President



Andrew Christie  
Director, Santa Lucia Chapter

Attachment: Table F Framework for Planning

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<sup>1</sup> COSE: **Policy WR 1.7 Agricultural operations**

Groundwater management strategies will give priority to agricultural operations. Protect agricultural water supplies from competition by incompatible development through land use controls.

<sup>2</sup> COSE: **Policy WR 1.13 Density increases in rural areas**

Do not approve General Plan amendments or land divisions that increase the density or intensity of non-agricultural uses in rural areas that have a recommended or certified Level of Severity II or III for water supply until a Level of Severity I or better is reached, unless there is an overriding public need.

<sup>3</sup> COSE: **Policy WR 1.14 Avoid net increase in water use**

Avoid a net increase in non-agricultural water use in groundwater basins that are recommended or certified as Level of Severity II or III for water supply. Place limitations on further land divisions in these areas until plans are in place and funded to ensure that the safe yield will not be exceeded.

TABLE F RESOURCE DEFICIENCY CRITERIA FOR LEVELS OF SEVERITY				
RESOURCE		LEVEL I	LEVEL II	LEVEL III
1. WATER SUPPLY				
a. Water Resource		Projected conservation estimated to exceed dependable supply within 9 years	7 year lead time to develop supplementary water for delivery to users	Reservoir is being used at or beyond its estimated dependable supply or will deplete dependable supply before new supplies can be developed
	b. Water System	System projected to be operating at design capacity within 7 years	5 year lead time to complete major improvements	System operating at or beyond design capacity or will be at capacity before improvements are constructed
2. SEWAGE DISPOSAL				
a. Treatment Plant		Projected average daily flow = plant capacity within 6 years	5 year projected average daily flow = plant capacity	Average daily flow = plant capacity or the plant will be at capacity before improvements can be made
	b. Sewage Collection Lines and Lift Station	Projected flow will equal 100% of system capacity within 2 years	System at 90% capacity or 5 year projected flow = plant capacity or will be at capacity before improvements can be made	System operating at 100% capacity or will be at capacity before improvements can be made
c. Individual Septic Tank Systems		System failures reach 5% by year; BQACB, Health or Engineering Department to identify potential health problem	System failure rate reaches 15% by year or community	System failures at 25%; threat to public health and safety exists; 5 years needed to build public sewer system
	2. SCHOOLS	7 year projected enrollment will be at or above maximum modern-classroom ratio established by school district	5 year projected enrollment will be at or above maximum modern-classroom ratio	Enrollment at or above maximum modern-classroom ratio
4. ROAD/CIRCULATION		Projected traffic volume will reach Level of Service (LOS) D within 5 years	Roads will be operating at LOS-D in 2 years or less	Roads operating at LOS-D (As defined in the 1985 Highway Capacity Manual)
	5. AIR QUALITY	Frequent violations of the federal ozone standard, or emissions reach 75% of the standard, or others are reduced to less than 50% of baseline levels	Periodic violations of the federal and state ozone standard, or emissions reach 90% of the designated threshold, or others are reduced to 25% of baseline levels	Federal ozone standard is exceeded one or more days within three consecutive years, or emissions regularly exceed the standard, or others have been depleted

Source: Adapted from FHWA, 1985

RESOURCE MANAGEMENT SYSTEM  
REVISED DECEMBER 2011

3-16

FRAMEWORK FOR PLANNING (INLAND)



**Fw: Aug. 27, 2013 Agenda Item 13 (4)**

**Board of Supervisors** to: BOS\_Legislative Assistants Only,  
cr\_board\_clerk Clerk Recorder

08/26/2013 08:30 AM

Sent by: **Cytasha Campa**

----- Forwarded by Cytasha Campa/BOS/COSLO on 08/26/2013 08:30 AM -----

From: Margarita Proud <margaritaproud@gmail.com>  
To: SLO county Board of Supervisors <boardofsup@co.slo.ca.us>, Frank Mecham  
<fmecham@co.slo.ca.us>, Bruce Gibson <bgibson@co.slo.ca.us>, Adam Hill  
<ahill@co.slo.ca.us>, Debbie Arnold <darnold@co.slo.ca.us>  
Date: 08/25/2013 01:56 PM  
Subject: RE: Aug. 27, 2013 Agenda Item 13 (4)

---

RE: Agenda item 13,(4)

Margarita Proud is a local non-profit organization that represents a diverse group of SLO county residents committed to the rural character and future livability of Santa Margarita and surrounding areas. Among key issues we advocate for are; responsible stewardship of the Salinas River watershed and the wise use of our water resources to maintain safe and sufficient water quality and quantity in the future.

It is our position that for your board to not adopt an Urgency Ordinance for the Paso Robles Groundwater Basin as soon as possible would be irresponsible. Wells going dry, the health of the water basin, and our county's economy, should not be viewed independently but rather as interconnected and dependent upon one another.

Given the current level of severity and the pivotal role finite resources will play in our future, we presume your board will act responsibly and gather from the menu of options available as you design an interim (to intervene) Urgency Ordinance. Among your options, one of the first questions needing an answer will be; where could (should) the Urgency Ordinance apply? Staff has presented two options: 1) All areas within the Groundwater Basin, 2) Fewer areas within the Groundwater Basin. We strongly urge you to consider the addition and adoption of a third option: **3) Additional areas of significance related to the Groundwater Basin.** The Upper Salinas River Watershed is one such area of significance and has been designated as one of the most critical watersheds in California by the California State Water Resources Control Board.

Incorporation of this language into the Urgency Ordinance is nothing more than a placeholder for the future possibility of considering more data surrounding sources that flow into the Groundwater Basin. Conversely, omitting such language likely pre-determines that the interconnectedness, and importance of the health, of sources flowing into the Groundwater Basin will

not receive sufficiently detailed consideration as ongoing solutions are evaluated.

Thank you for considering incorporating our recommendation.

**Fw: RE item #13 Urgency Ordinances for the Paso Robles Groundwater Basin****Board of Supervisors** to: BOS\_Legislative Assistants Only,  
cr\_board\_clerk Clerk Recorder

08/26/2013 08:32 AM

Sent by: **Cytasha Campa**

----- Forwarded by Cytasha Campa/BOS/COSLO on 08/26/2013 08:32 AM -----

From: Carol Rowland <crowland@wildblue.net>  
 To: Board of Supervisors <BoardOfSups@co.slo.ca.us>, BOS secretary <ccampa@co.slo.ca.us>, Adam Hill <ahill@co.slo.ca.us>, Bruce Gibson <bgibson@co.slo.ca.us>, Debbie Arnold <darnold@co.slo.ca.us>, Frank Mecham <fmecham@co.slo.ca.us>  
 Date: 08/25/2013 01:09 PM  
 Subject: RE item #13 Urgency Ordinances for the Paso Robles Groundwater Basin

Please enter this letter into the record for the August 27, 2013 meeting re Agenda item #13, Urgency Ordinances for the Paso Robles Groundwater Basin.

Just for the record, I am attaching a pdf file showing the maps referred to in this letter.

**MapsChange in Groundwater elevation.pdf**

To the San Luis Obispo Board of Supervisors,

This is a copy of what I will be presenting on the August 27th meeting.

Hopefully the maps will appear on the screen during the meeting.

At the Board of Supervisors meeting on Aug 6, 2013, Urgency Ordinances for the Paso Robles Groundwater Basin were discussed but not passed.

Although Supervisors Hill and Gibson spoke in favor of passing them immediately, Supervisors Mecham & Arnold said they needed more time and more info.

Here is some very clear information. I would respectfully ask Supervisors Mecham and Arnold, as well as the audience, to please take a good look at the maps on the screen. At the Aug 6th meeting, Supervisor Arnold said, "The crisis is the wells going dry." These maps show that the underlying crisis is that the Paso Robles Groundwater Basin is going dry. Dry wells are only the symptom of the crisis.

One pic = 1000 words.

These maps show the decrease in the PR Basin groundwater levels between 2009 and 2013 - 4 years time. The Basin is now in Level III severity - more water pumped out than is being replenished.

Looking at the basin as a body, and the red as water leaving the body, this looks like a hemorrhage to me. Water hemorrhaging out of the basin. This is not a "hot spot" issue. This is not an issue that a bandaid can help. And I would respectfully appeal to Supervisor Arnold, who says she is concerned with helping the people whose wells have gone dry, by saying that making low-cost loans available to drill new wells, and arranging brokers to have water trucked to people whose wells have gone dry, are bandaids and an insult to those she says she wants to help. Yes, those things could be of some use, but most of those whose wells have gone dry are not rich landowners, but people trying to survive. Many have mortgages and are trying to raise families. Many are retired on fixed incomes. The money to solve a problem they did not create

is simply not there.

Dry wells are a symptom of the underlying problem that needs to be addressed immediately, - the huge amount of water that is being pumped out of a declining aquifer every day. Just look at the maps.

In the 10 days between July 29th, and August 8th, the County Environmental Health Dept. received over 100 well permit applications - far above the normal rate of 7 or 8 permit requests in a week's time according to Supervising Environmental Health specialist Rich Lichtenfels. People rushing to file new applications before any urgency ordinances could be put in place. Please - do not give them even more time!

This Saturday's Tribune (8/24/13) had an article reporting that the [State Water Resources Control Board](#) has sent a letter to San Luis Obispo County Supervisors urging them to adopt an emergency ordinance that will slow the current depletion of the groundwater basin and allow time to develop a basin management plan.

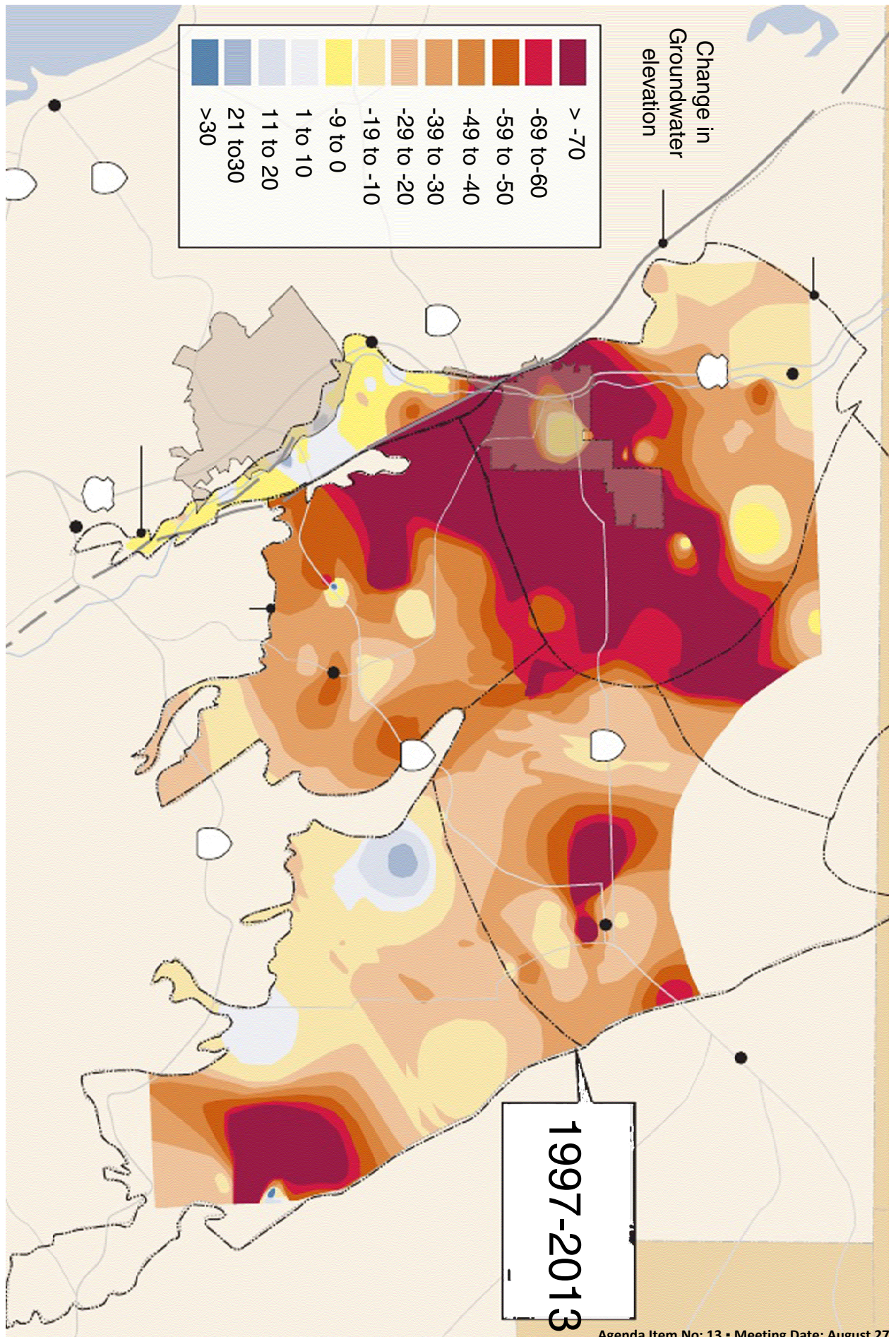
Couldn't be clearer than that. We don't need more studies, we don't need bandaids, we need action, and we need it NOW - AND I believe that it should be retroactive to August 6 to keep the rush of new well permits & planting from happening.

Thank you for your time.

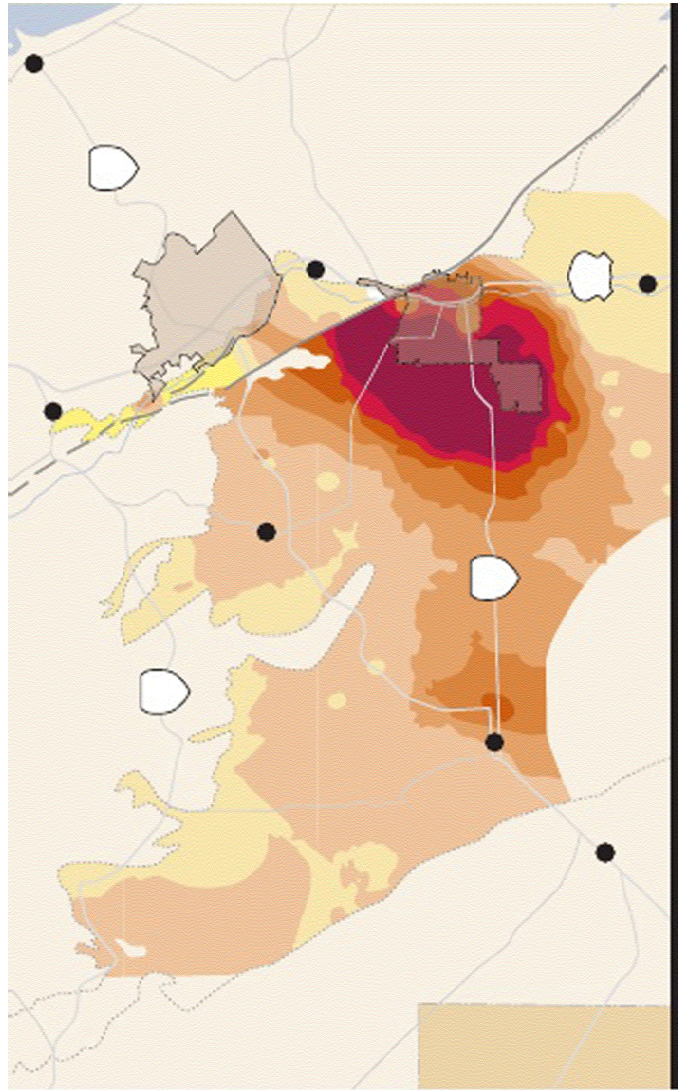
Carol Rowland

Creston, CA 93432









1997-2009



**Fw: Urgency Ordinance**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

08/26/2013 08:33 AM

Sent by: **Cytasha Campa**

----- Forwarded by Cytasha Campa/BOS/COSLO on 08/26/2013 08:32 AM -----

From: "gidi" <gidip@tcsn.net>  
To: "Board of Supervisors" <BoardofSup@co.slo.ca.us>  
Date: 08/24/2013 07:33 PM  
Subject: Urgency Ordinance

---

Mr. Chairman and Members of the Board.

I respectfully request your full support for passing the Urgency Ordinance with direction to implement the following immediate priorities:

1. foremost priority should be to establish a financial assistance program for those loosing or having lost their well
2. initiating a moratorium on expansions of irrigated crops
3. establishing a realistic baseline for a "safe yield" of the basin which should guide the needed reduction of water use we will all have to make, using the expertise of hydrologists, agriculturalists and crop specialists
4. metering and monitoring in areas of highest concern
5. formation of a Water Management District for implementation of the Blue Ribbon Committee's recommendations

Thank you for your consideration of these comments.

Wishing you well in your deliberations

Gidi Pullen

Templeton.



**Fw: SLO Letter to the Board for August 27th BOS meeting**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

08/26/2013 08:42 AM

Sent by: **Cytasha Campa**

----- Forwarded by Cytasha Campa/BOS/COSLO on 08/26/2013 08:41 AM -----

From: "Willy Cunha" <willycunha@sunviewvineyards.com>  
To: <boardofsups@co.slo.ca.us>  
Date: 08/24/2013 06:29 AM  
Subject: SLO Letter to the Board for August 27th BOS meeting

---

**From:** Kent H. Stephens [mailto:kentstephens@sunviewvineyards.com]  
**Sent:** Friday, August 23, 2013 5:54 PM  
**To:** 'Boardofsups@co.slo.ca.us.'  
**Cc:** Marko B. Zaninovich; Marko S. Zaninovich; 'Andrew Zaninovich'; 'Morgan Zaninovich'; 'Willy Cunha'; 'Scott Boyajian'  
**Subject:** SLO Letter to the Board for August 27th BOS meeting

San Luis Obispo County Board of Supervisors  
County Government Center  
San Luis Obispo, CA 93408

Dear Supervisors Mecham, Arnold, Hill and Gibson,

Please review the attached letter together with the accompanying Private Well Hydrographs for the Shandon Sub-Basin of the Paso Robles Groundwater Basin. Please enter the attached letter into the record of the San Luis Obispo County Board of Supervisors meeting August 27, 2013 dealing with the proposed ordinances regarding the Paso Robles Groundwater Basin.

Thank you for your consideration,

Kent H. Stephens  
Sec/CFO  
Marko Zaninovich, Inc.  
MZIRP, Inc.  
Sunview Vineyards of California, Inc.



SLO BOS Ltr 2013-08-23.pdf

# Sunview Vineyards Of California, Inc.

August 23, 2013

San Luis Obispo County Board of Supervisors  
County Government Center  
San Luis Obispo, CA 93408

Dear Supervisors Mecham, Arnold, Hill and Gibson,

Sunview Vineyards of California is family owned and operated. We have been farming in California for almost a century. We farm an organic vineyard in the Shandon area.

The aquifer under the Shandon area has a long history of reliable agricultural and residential use. It has good annual recharge from winter rains. It operates separately from the portion of the basin to the west that is suffering significant declines and slow rebounds to water levels. Just as the Atascadero sub basin has its own unique source of annual recharge, the Shandon aquifer or sub basin has its own source of annual recharge. Rains that fall on the east side of the La Panza Range and Black Mountain come down Camatta and San Juan Creeks and their sub-flows to annually recharge the Shandon sub-basin. The nature of the subsurface layers between our sub basin and the areas of the basin due west of us restricts the lateral movement of water from under Shandon to the west. The Shandon Sub-Basin is a reliable source of water for agriculture and other users.

We did our due diligence back in the 1970's and found, talking to local well drillers and farmers, that Shandon was situated over a productive aquifer with good annual recharge. We started farming here in 1979. We did the same research in the 80's and 90's and chose to expand our operations in Shandon for the same reasons. We looked long and hard at many of the Paso Robles properties developed later by others. Shandon has good soils with a reliable water supply.

The Shandon Sub-Basin should not be managed with the troubled areas to the West of Shandon. Well test records from the County website along with our own well tests show that Shandon does not have the significant decline seen elsewhere. There is no basis in fact to broadly apply the same corrective measures to the Shandon area that may be applicable to other areas. The attached report documents our contentions regarding the Shandon Sub-Basin.

This is an extremely important set of decisions the Board is contemplating. The effects of these decisions will be far reaching and need to be understood. The Board needs clear accurate data to make informed decisions. There is a real need to take action to protect our water resource. There is also a need for more and broader collection of data both historical and new. There is an equally strong need to share that data. It would be very helpful if the County were to make available the data they are using for their presentations and modeling with expert hydrogeologists representing stakeholders. Anonymity of well owners could be and should be

maintained. A broader understanding and acceptance of how the aquifer operates would be gained. That broader understanding will be the basis to cooperative actions for sustainable use.


We want to have the basin operate in a sustainable fashion allowing the agricultural economic engine that is so important to our local economy to continue running while maintaining the ability for all of us here to have access to a reliable supply of water.

Sincerely,



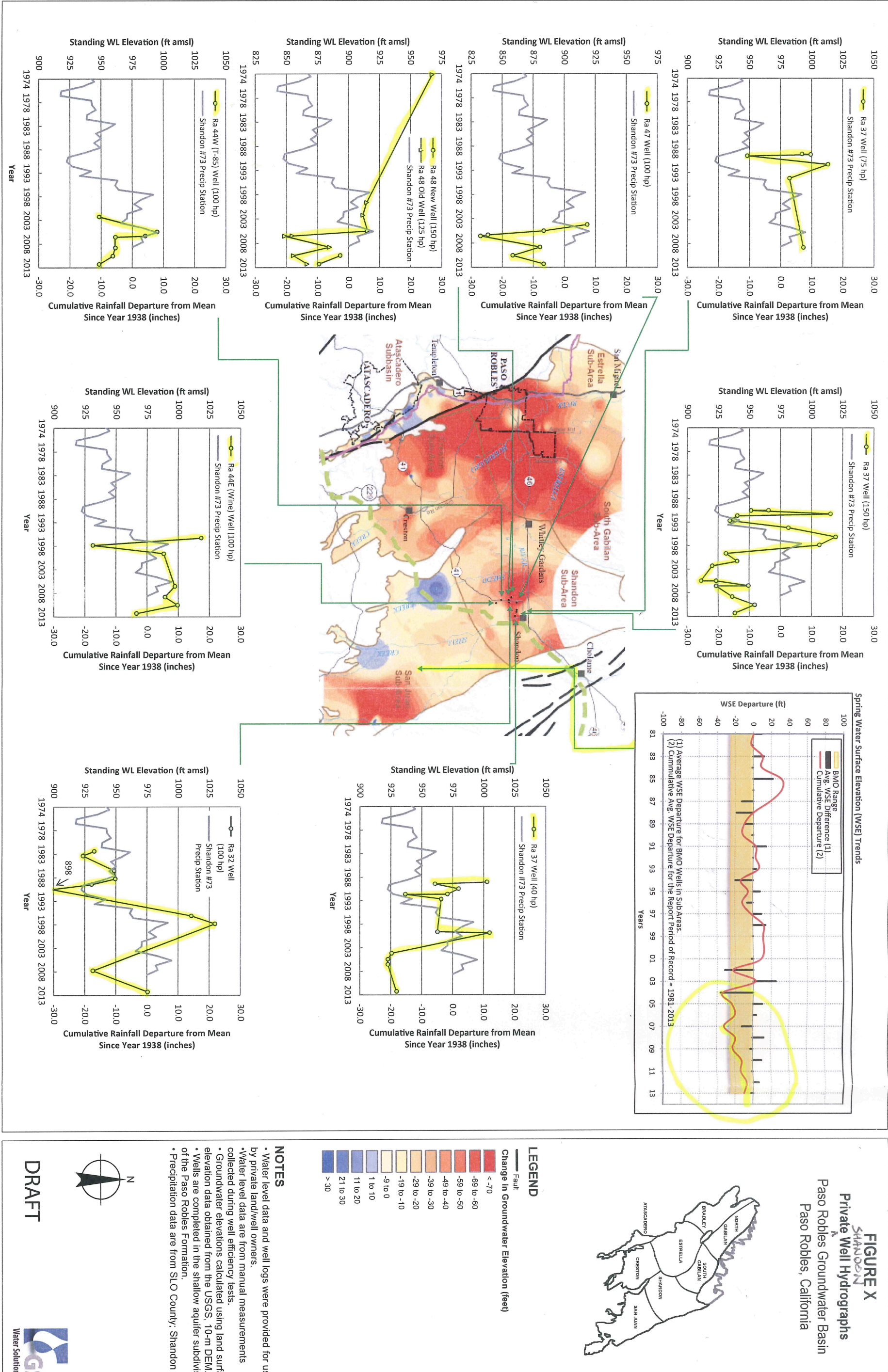
Marko S. Zannovich  
Sunview Vineyards of California, Inc.

Delano, CA 93215



Kent H. Stephens  
Sec/CFO







**Fw: Board of Supervisors Meeting August 27, 2013 Item 13**

**Board of Supervisors** to: cr\_board\_clerk Clerk Recorder,  
BOS\_Legislative Assistants Only

08/26/2013 08:44 AM

Sent by: **Cytasha Campa**

----- Forwarded by Cytasha Campa/BOS/COSLO on 08/26/2013 08:44 AM -----

From: R.Michael Heneveld <henevelds2@yahoo.com>  
To: Boardofsup@co.slo.ca.us, darnold@co.slo.ca.us, fmecham@co.slo.ca.us, ahill@co.slo.ca.us,  
bgibson@co.slo.ca.us, ccampos@co.slo.ca.us  
Date: 08/26/2013 08:43 AM  
Subject: Board of Supervisors Meeting August 27, 2013 Item 13

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Please enter this letter into the record for this meeting.

Dear Supervisors:

The water situation in North County is deteriorating even more rapidly than in the very near past.

Witness the deluge of applications for new wells in an already overly stressed area.

Witness the rampant planting of hundreds of acres of new vines by mega companies.

The 67% figure for agricultural water usage is a thing of the past. It is growing by leaps and bounds.

Where will this water come from?

It is time to stop all new access to the basin while a sound and sustainable plan for water management is formulated and put into place. This plan must include conservation on the part of all stakeholders that should start immediately.

Please work together for the health and vitality of all in North County.

We urge passage of the Interim Urgency Ordinance retroactive to August 6th.

Michael and Barbara Heneveld  
Templeton



**Fw: Emergency Ordinance response from the TAAG**

**Vicki Shelby** to: cr\_board\_clerk Clerk Recorder, Kami Griffin,  
Courtney Howard

08/26/2013 09:45 AM

Making sure you got a copy of this for the record,

Vicki M. Shelby  
Legislative Assistant for  
First District Supervisor Frank R. Mecham  
1055 Monterey St., D430  
San Luis Obispo CA 93408  
(805) 781-4491/FAX (805) 781-1350

email: vshelby@co.slo.ca.us

"Thinking a smile all the time will keep your face youthful" - Frank G. Burgess  
"Wrinkles should merely indicate where smiles have been" - Mark Twain

----- Forwarded by Vicki Shelby/BOS/COSLO on 08/26/2013 09:44 AM -----

From: "Pacific West Steel, Inc." <bh@pacificweststeel.com>  
To: Debbie Arnold <darnold@co.slo.ca.us>, Bruce Gibson <bgibson@co.slo.ca.us>, Kami Griffin <kgriffin@co.slo.ca.us>, Adam Hill <ahill@co.slo.ca.us>, Frank Mecham <fmecham@co.slo.ca.us>  
Cc: Jen Caffee <jcaffee@co.slo.ca.us>, Catrina Christensen <CChristensen@co.slo.ca.us>, Vicki Shelby <vshelby@co.slo.ca.us>, Jeff DeBrish <jdebrish@gmail.com>, Bill Hockey <bh@pacificweststeel.com>, Sarah Maggelet <sarah@applynx.com>, David La Rue <dclarue\_air@yahoo.com>, Dorothy Jennings <djennings@tcsn.net>, Wayne Gretter <gretterelectric@gmail.com>, Bill Pelfrey <wmpelfrey@sbcglobal.net>, Rex Swan <rexswan1@gmail.com>  
Date: 08/23/2013 04:33 PM  
Subject: Emergency Ordinance response from the TAAG

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Honorable Supervisors Gibson, Mecham, Arnold & Hill,

A special meeting of the Templeton Area Advisory Group (TAAG) was held Thursday August 22nd to discuss the Urgency Ordinance. This was the only item on our Agenda. We heard 3 hours of public & expert testimony. The results of our meeting based upon testimony and TAAG members discussions, is attached. Thank you.

Bill Hockey  
TAAG Chairman



TAAG-Letter to BofS on action-8\_23\_13.pdf





## TEMPLETON AREA ADVISORY GROUP

P.O. Box 1135  
Templeton, CA 93465

August 23, 2013

To: Kami Griffin, Acting Director SLO County Planning & Building  
Catrina Christensen, Clerk to the Board of Supervisor  
Supervisor Mecham, Supervisor Arnold, Supervisor Hill & Supervisor Gibson

From: Bill Hockey, TAAG Chairman

Re: Paso Robles Groundwater Basin Urgency Ordinance

A Special Meeting convened by TAAG on August 22, 2013 held a public meeting attended by over 50 individuals. We listened to the testimony of 20 speakers and several water experts in regards to the County's proposed Paso Robles Groundwater Basin Urgency Ordinance. After 3 hours of testimony and discussions the following motion was made, seconded and **supported** on a 7-0 vote by the TAAG Board:

*TAAG does not support either of the proposed Urgency Ordinance options (listed as Attachment 2A & 2B on the Board of Supervisors August 27<sup>th</sup> Agenda) due to insufficient verifiable evidence that accurately supports a new urgency situation.*

### **Recommended actions to be considered:**

- Seek solutions that provides short, medium and long range recharge of the Paso Robles Groundwater Basin not the Urgency Ordinance
- Consider smaller Community or Mutual Water Association's tailored to the individual areas and their specific needs. Without hard facts, there leaves doubt that legislation, at this time, is called for. No new law will replenish any water well. It will only mean more intrusion on private property rights.
- Solutions should come from the stakeholders coming together without regulations, agendas and/or animosity. It is preferred to see cool heads without the negative influence of a Urgency Ordinance over them, seeking solutions and implementing those solutions.
- Attachment 2D from the Planning Staff Report has suggestions that can be addressed, but outside of, and without the need for, an Urgency Ordinance. Solutions should be addressed first then encourage voluntary compliance to these proposed solutions.
- No single governing body should control both land use decisions and water rights.
- Heavy users of water are nearing the end of the water use season, so drafting is quickly diminishing allowing more time to find concusses on solutions without a worsening situation.
- The Board of Supervisors and County Staff should re-negotiate the water contracts affecting the Paso Robles Ground Water Basin to allow water from the Salinas to revert back to the North County during times of drought.

**Recommendation:**

Respectfully request the Board of Supervisors NOT pass an Urgency Ordinance at this time and allow the current stakeholders to develop censuses on solutions that will not pit neighbor against neighbor.

Thank you.

Bill Hockey  
Chairman, TAAG

Cc: TAAG Committee members



**agenda correspondence**  
**Fran Zohns** to: cr\_board\_clerk Clerk Recorder

08/26/2013 10:34 AM



doc20130826113356.pdf

Fran Zohns  
Board of Supervisors  
San Luis Obispo County  
(805)781-5450





EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

August 20, 2013

San Luis Obispo County Board of Supervisors  
Room D-430  
County Government Center  
San Luis Obispo, CA 93408

Dear Supervisors Gibson, Mecham, Hill, and Arnold:

### PASO ROBLES GROUNDWATER BASIN; WATER QUALITY DEGRADATION RELATED TO DECLINING WATER LEVELS

The mission of the California Water Boards includes proper allocation and protection of the State's water resources. California faces serious water resource challenges with growing demand and the uncertainty of climate change. Every source of potable water must be protected and managed to ensure long term sustainability.

We understand that the Paso Robles Groundwater Basin (Basin) is in a state of serious overdraft with water levels continuing to decline. After several years of study, the San Luis Obispo County Board of Supervisors (Board) approved The Paso Robles Groundwater Basin Resource Capacity Study in February 2011. The Board then assigned a level of severity III for the main Basin, the most severe of three ratings. I understand that the San Luis Obispo County Board of Supervisors will consider an emergency ordinance on August 27, 2013 to slow the current trend and allow time to develop a basin management strategy. I believe you have the information to understand the threat to the public and the environment, and I urge you to take immediate action to stabilize the situation by approving the ordinance.

In addition to the impacts on water supply, overdrafting a groundwater basin can negatively affect water quality, the environment, and permanently decrease a basin's storage capacity through the consolidation of sediments. Every region of the state has a responsibility to use all available strategies to maximize their water supplies, including conservation, use of recycled water, pumping restrictions, and comprehensive groundwater basin management. Local action is needed now, given limited surface water supplies to recharge the Basin, increasing demand, and the uncertainties on what impact climate change will have on local annual rainfall. Without such action, users dependent on the Basin will likely continue to experience further water level declines and a degradation of water quality.


FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

Agenda Item No: 13 • Meeting Date: August 27, 2013  
Presented By: F. Zohns - Board Secretary  
Rec'd prior to the meeting & posted on: August 26, 2013

The Water Boards strongly support and go to great lengths to encourage local solutions to these types of groundwater problems. However, the State Water Resources Control Board has the responsibility to ensure that the State's waters are managed reasonably.

At this time, I have asked the Central Coast Regional Water Quality Control Board Executive Officer to track and report to me your progress in addressing this serious problem. If you have any questions or wish to discuss our concerns, please contact me at (916) 341-5615 ([Tom.Howard@waterboards.ca.gov](mailto:Tom.Howard@waterboards.ca.gov)). You may also contact Barbara Evoy, Deputy Director, Division of Water Rights at (916) 341-5632 ([Barbara.Evoy@waterboards.ca.gov](mailto:Barbara.Evoy@waterboards.ca.gov)), or Ken Harris, Executive Officer, Central Coast Water Board at (805) 549-3140 ([Ken.Harris@waterboards.ca.gov](mailto:Ken.Harris@waterboards.ca.gov)).

Sincerely,

  
Thomas Howard  
Executive Director

cc: via e-mail

Jeffrey S. Young  
Chair  
Central Coast Regional Water Quality Control Board

Ken Harris  
Executive Officer  
Central Coast Regional Water Quality Control Board



**Fw: CA State Water Code 106**

**Cytasha Campa** to: BOS\_Legislative Assistants Only,  
cr\_board\_clerk Clerk Recorder

08/26/2013 10:39 AM

Kindest regards,

**Cytasha Campa**

Board Secretary

Board of Supervisors

San Luis Obispo County

805-781-4335

----- Forwarded by Cytasha Campa/BOS/COSLO on 08/26/2013 10:39 AM -----

From: "Kim Lachance" <luckydanes@sbcglobal.net>  
To: <darnold@co.slo.ca.us>, <fmecham@co.slo.ca.us>, <ahill@co.slo.ca.us>, <bgibson@co.slo.ca.us>  
Cc: <ccampa@co.slo.ca.us>  
Date: 08/26/2013 08:46 AM  
Subject: CA State Water Code 106

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A refresher course in the State of California Water Code ....

**Water Code Section 106**

Water Code Section 106 provides “It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation.”

**Court Support for Section 106**

California courts have consistently supported the policy codified in Section 106. In *City of Beaumont v. Beaumont Irrigation District* (1965)<sup>i</sup>, the court held that Section 106 is a policy that governs administrative agencies’ water allocation decisions, stating that application of “section 106 of the Water Code...is binding upon every California agency,” including irrigation districts which were parties to the case.

*Meridian v. San Francisco* (1939)<sup>ii</sup> stated “It should be the first concern of the court in any case pending before it and of the department in the exercise of its powers under the act to recognize and protect the interests of those who have prior and paramount right to the use the waters and streams. The highest use in accordance with the law is for domestic purposes, and next highest use is for irrigation.”

*The California Supreme Court in National Audubon Society v. Superior Court* (1983)<sup>iii</sup> stated “[a]lthough the primary function of [Water Code Sections 106 and 106.5], particularly section 106, is to establish priorities between competing appropriators, these enactments also declare principles of California water policy applicable to any allocation of water resources.”

*Central & West Water Basin Replenishment District v. So. California Water Co.* (2003)<sup>iv</sup> held that court-supervised mass adjudications of water rights are subject to and governed by Section 106, and it therefore rejected a proposal for water banking by some of the adjudicated parties because the proposal did not comply with the **policy in Section 106 of prioritizing domestic use**.

### **California Common Law Supports Section 106**

California Common Law codifies the longstanding principle that in allocating California’s limited water supplies in time and places of scarcity, water needs for domestic purposes must take priority over water needs for commercial profit, including agriculture.

*Alta Land & Water Co. v. Hancock* (1890)<sup>v</sup> “the rights...to the use of water for the supply of the natural wants of man and beast” must take precedence over “the rights...to use the water for purposes of irrigation.”

*Smith v. Carter* (1897)<sup>vi</sup> “both parties [to the water rights dispute] were entitled to have their natural wants supplied, that is, to use so much of water as was necessary for strictly domestic purposes and to furnish drink for man and beast, before any could be used for irrigation purposes” and that “[a]fter their natural wants were supplied each party was entitled to reasonable use of the remaining water for irrigation”.

*Drake v. Tucker* (1919)<sup>vii</sup> the trial court “properly decided that it would be an unreasonable use of the water under all the facts and circumstances for the plaintiff to use it for irrigation before the domestic uses of the defendant had been satisfied.”

*Cowell v. Armstrong* (1930)<sup>viii</sup> “Natural uses are those arising out of the necessities of life...such as household use, drinking, [and] watering domestic animals...[and] unquestionably the term ‘domestic purposes’ would extend to culinary purposes and the purposes of cleaning, washing, the feeding and supplying of an ordinary quantity of cattle, and so on.”

*Prather v. Hoberg* (1944)<sup>ix</sup> “Without question the authorities approve the use of water for domestic purposes as first entitled to preference. That use includes consumption for the sustenance of human beings, for household conveniences, and for the care for livestock.”

*Deetz v. Carter* (1965)<sup>x</sup> “[p]riority conferred on domestic users by Water Code section 106 is a statutory extension of a traditional preference accorded to ‘natural’ over ‘artificial’ uses.”

### **Reasonable and Beneficial**

In “The Reasonable Use Doctrine and Agricultural Water Use Efficiency: A Report to the State Water Resources Control Board and the Delta Stewardship Council” authored by Delta Watermaster Craig M. Wilson, Mr. Wilson lays the foundation for the “reasonable use” doctrine based on the California Constitution Section Article 10 Sec. 2, California Statutes Water Code §§100, 275, 1059, 1051, 1825, 10608, 10801, 85023, and several court cases. Mr. Wilson, comments that the Reasonable Use Doctrine has been broadly implemented: “The State Water Board and the courts have used the doctrine to find unreasonable water uses in a variety of settings: ...7) The storage and diversion of water that jeopardize compliance with water quality standards, the public trust, and other in situ beneficial uses; 8) Excessive use of groundwater by overlying landowners in an overdrafted basin.”

<sup>i</sup> *City of Beaumont v. Beaumont Irrigation District* (1965), 63 Cal.2d 291, 381, 46 Cal.Rptr. 465, 469

<sup>ii</sup> *Meridian v. San Francisco* (1939), 13 Cal.2d 424, 450, 90 P.2d 537, 550

<sup>iii</sup> *National Audubon Society v. Superior Court* (1983), 33 Cal.3d 419, 448, n.30, 189 Cal.Rptr. 346,366 n.30

<sup>iv</sup> *Central & West Water Basin Replenishment District v. So. California Water Co.* (2003), 109 Cal.App.4th 891, 912-13, 135 Cal.Rptr.2d 486 Superior Court (1983), 33 Cal.3d 419, 448, n.30, 189 Cal.Rptr. 346,366 n.30

<sup>v</sup> *Alta Land & Water Co. v. Hancock* (1890), 85 Cal.219, 230

<sup>vi</sup> *Smith v. Carter* (1897), 116 Cal. 587, 592

<sup>vii</sup> *Drake v. Tucker* (1919), 43 Cal.App 53, 58

<sup>viii</sup> *Cowell v. Armstrong* (1930), 210 Cal. 218, 225

<sup>ix</sup> *Prather v. Hoberg* (1944), 24 Cal.2d 549, 5562, 150 P.2d 405, 412

<sup>x</sup> *Deetz v. Carter* (1965), 232, Cal.App2d 851, 854-55, 43 Cal.Rptr. 321, 323